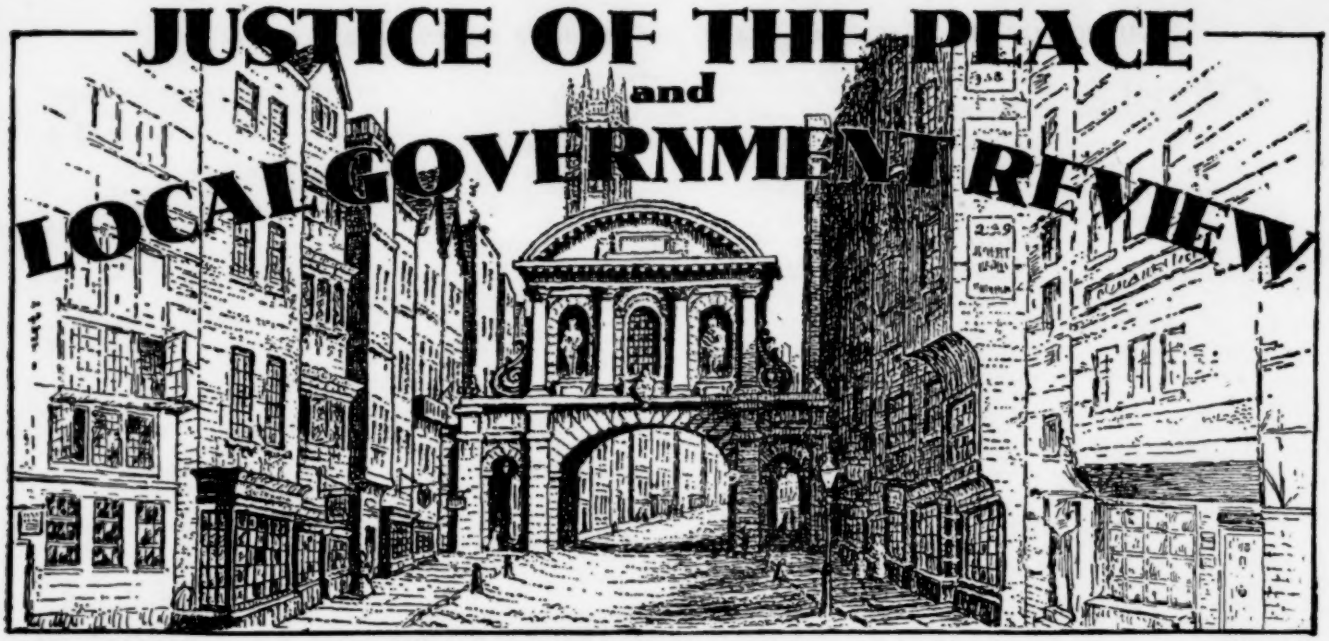
JUSTICE OF THE PEACE and LOCAL GOVERNMENT REVIEW



VOL. CXVIII LONDON: SATURDAY, APRIL 3, 1954 No. 14

CONTENTS

REPORTS

Official & Classified Advertisements, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Classified Advertisements, 24 words 6s. (each additional line 1s. 6d.) Box Number, 1s. extra *Latest time for receipt* 10 *a.m. Thursday*

Published by JUSTICE OF THE PEACE LTD., Little London, Chichester, Sussex
Telephone: CHICHESTER 3637 (P.B.E.) *Telegraphic Address:* JUSLOCGOV, CHICHESTER

NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note :* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

SITUATIONS VACANT

LINCOLNSHIRE. Assistant Clerk to Justices' Clerk required, part-time on Justices' work and remainder on general work in Solicitor's Office. Salary on General Division Scale. Box A.17, Office of this Newspaper.

APPOINTMENTS

MUNICIPAL BOARD OF MOMBASA require Solicitor or Barrister as Deputy Town Clerk. Must have considerable Local Government experience. Salary £1,200×£50 to £1,400 plus cost of living allowance (now £350) and house allowance. Full particulars on request. Personal canvassing disqualifies.

Apply with three recent testimonials by April 24, 1954. Town Clerk, P.O. Box 440, Mombasa, Kenya Colony.

YOUTH WELFARE OFFICER required by Foreign Office (German Section) for temporary post in Germany. Candidates must be British subjects with knowledge of social science and preferably social science degree or diploma, as well as an understanding of British system of probation. Salary scale (approx.) men £650 to £800, women £530 to £670. Point of entry according to qualifications and experience. An overseas allowance is also payable. Superannuation rights of seconded officers would be preserved. Write, giving date of birth, education, full details of qualifications and experience of posts held (including dates) to E.F. Appointments Officer, Ministry of Labour & National Service, 1-6, Tavistock Square, London, W.C.1, by April 24, 1954. No original testimonials should be sent. Only candidates selected for interview will be advised.

INQUIRIES

YORKSHIRE DETECTIVE BUREAU (T. E. Hoyland, Ex-Detective Sergeant). Member of The Association of British Detectives, World Secret Service Association and Associated American Detective Agencies. DIVORCE — OBSERVATIONS — ENQUIRIES—Civil and Criminal investigations anywhere. Over 1,000 Agents. Over 27 years C.I.D. and Private Detective Experience at your Service. Empire House, 10, Piccadilly, Bradford. Tel. 25129. (After office hours, 26823.) Established 1945.

PARKINSON & CO., East Boldon, Co. Durham. Private and Commercial Investigators. Instructions accepted from Solicitors only. Tel.: Boldon 7301. Available day and night.

COUNTY BOROUGH OF HASTINGS

Deputy Town Clerk

APPLICATIONS are invited from Solicitors with considerable Local Government experience for the above appointment.

The commencing salary will be £1,200 rising by annual increments of £50 to a maximum of £1,400 per annum.

The conditions of service set out in the Second Schedule to the Recommendations of the Joint Negotiating Committee for Chief Officers will apply to the appointment, and the appointment is subject to the provisions of the Local Government Superannuation Acts, to one month's notice on either side and to the passing of a medical examination.

Applications, giving age and experience and the names and addresses of three persons to whom reference can be made, must be delivered to the undersigned not later than April 21, 1954.

N. P. LESTER,
Town Clerk.

Town Hall,
Hastings.
April 2, 1954.

HAMPSHIRE COMBINED PROBATION AREA

Appointment of a Full-time Female Probation Officer

APPLICATIONS are invited from persons who have had experience and/or training as Probation Officers for the appointment of a Full-time Female Probation Officer for the above area. The successful applicant will be required to act and live in the Gosport area. Candidates must be not less than twenty-three nor more than forty years of age (except in the case of serving officers).

The appointment and salary will be in accordance with the Probation Rules and the salary will be subject to superannuation deductions.

Applications, giving particulars of age, education, present salary, qualifications and experience, with the names and addresses of not more than three persons to whom reference may be made, should be submitted to the undersigned not later than April 23, 1954. Canvassing, either directly or indirectly, will be a disqualification.

G. A. WHEATLEY,
Secretary to the Probation Committee.

The Castle,
Winchester.

CORPORATION OF WILLESDEN

Permanent Appointment of Chief Law Clerk

APPLICATIONS for the above are invited. Salary: National Grade A.P.T. VI (£695-£760 p.a.) plus London weighting.

Details of appointment and application forms obtainable from the undersigned, to whom applications must be returned not later than Monday, April 12, 1954.

The Council cannot assist with housing.

R. S. FORSTER,
Town Clerk.

Town Hall,
Dyne Road,
Kilburn, N.W.6.

BOROUGH OF MACCLESFIELD

Deputy Town Clerk

APPLICATIONS are invited from Solicitors, having a wide experience of Local Government Law and Administration, for the permanent appointment of Deputy Town Clerk.

The salary attaching to the post will be in accordance with Grades A.P.T. VIII to IX of the National Scales, rising, subject to satisfactory service, to A.P.T. X, the commencing salary to be fixed according to age, experience and qualifications. The appointment will be terminable by one month's notice on either side. So far as it may be applicable to the office, the National Scheme of Conditions of Service will govern the appointment.

The successful candidate will be required to pass a medical examination and to contribute to the superannuation fund under the 1937/53 Acts.

Every applicant for this post must disclose in writing whether to his knowledge he is related to any member of the Borough Council or to the holder of any senior office under the Council.

Applications, stating age and giving particulars as to the candidate's legal and local government experience, and the names of two persons to whom reference as to the candidate's character and qualifications may be made, if desired, must reach the undersigned not later than Saturday, April 24, 1954.

Canvassing will be a disqualification.

WALTER ISAAC,
Town Clerk.

Town Hall,
Macclesfield.
March 31, 1954.

LANCASHIRE No. 10 COMBINED PROBATION AREA

Appointment of Whole-time Male Probation Officer

APPLICATIONS are invited for the appointment of a Whole-time Male Probation Officer to serve the Leigh area. Applicants must be not less than twenty-three years nor more than forty years of age, except in the case of serving Probation Officers. The appointment will be subject to the Probation Rules, 1949-52, and the salary will be according to the scale prescribed by those rules. The successful applicant will be required to pass a medical examination. Applications, stating age, present position, qualifications and experience, together with two recent testimonials, must reach the undersigned not later than April 12, 1954.

NICHOLAS TUITE,
Clerk to the Probation Committee.

Magistrates' Clerk's Office,
Royal London House,
King Street, Wigan.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

VOL. CXVIII. No. 14 LONDON : SATURDAY, APRIL 3, 1954

Pages 209-224 Offices : Little London, Chichester, Sussex. [Registered at the General Post Office as a Newspaper.]

Price 2s. 3d. (including Reports)
Price 1s. 3d. (without Reports)

NOTES of the WEEK

Corrective Training

The terms of s. 21 of the Criminal Justice Act, 1948, are wide, and there is no requirement that the offence in respect of which a sentence of corrective training is passed, or the previous convictions necessary to be proved, should be of any particular kind of offence. There is no definition of the word " offence " for the purposes of the section, such as, for example, the definitions of " crime " and " offence " in the Prevention of Crimes Act, 1871, s. 20. Nevertheless, such a sentence seems usually to be passed in respect of some offence of violence or dishonesty, following upon convictions of a more or less similar character.

A case in which a sentence of corrective training was passed on a young man convicted of bigamy occurred at the Kent Assizes. The prisoner was stated to have eleven previous convictions, but the newspaper report does not state the nature of those convictions. On passing sentence, Sellers, J., said it was unusual to send a man to corrective training for bigamy, but the Prison Commissioners recommended it and he agreed with what they said—that the man appeared to have reached the stage where a period of training and discipline was necessary to avoid further deterioration.

Deterrence by Publicity

One undoubted object of punishment is to deter potential offenders, by bringing home to them the consequences of wrong doing. How far it is effective must always be to a large extent a matter of surmise, because it is impossible to ascertain how many people have been deterred from committing crimes by the fear of punishment. That it does affect many people can hardly be doubted.

Warnings to the public generally that offenders will be severely dealt with are likely to have much less effect than warnings addressed to a particular group or class in a particular district or engaged in a particular occupation. The potential offender in an occupation in which offenders have been prosecuted to conviction are likely to feel that a warning has been brought home to them, and they must take heed.

At the Central Criminal Court, the Recorder, when sentencing a postman to imprisonment for stealing from postal packets, asked about the steps taken to inform other post office workers in such cases, and was told that no special notice was circulated, it being left to the press. Sir Gerald Dodson suggested that perhaps consideration might be given to the question of circulating information about convictions, seeing that space in newspapers was necessarily limited. He said that it was an established principle of jurisprudence that one purpose of justice was deterrence, and this meant that convictions should be made known.

There is at all events something worth discussion in the appropriate quarters, as dishonesty among post office servants is always serious and, we are sure, resented and deplored by the large majority, who are scrupulously honest. If publicity would deter some potential offenders from yielding to temptation it would serve a useful purpose. It may well be that convictions and sentences do not become widely known where large staffs are concerned, and certainly not always throughout the service.

Parental Consent to Adoption

The case of *Re P, An Infant*, to which we referred in a note at p. 193, *ante*, is of importance because of the observations of the Court rather than because of the result of the appeal, and because of the implications of those observations as affecting the attitude of magistrates' courts when dealing with applications for adoption orders.

It may not infrequently happen that the guardian *ad litem*, and for that matter the court, may feel that adoption is so desirable in the interests of the infant that it is hard to refrain from trying to influence the mother to consent. The court may be inclined to hold that the consent of the mother is unreasonably withheld, but it must be careful about doing so. In *Re K (an infant)* (1953) 117 J.P. 9, it was held that the withholding by a parent of consent to an adoption could only properly be held to be unreasonable in exceptional cases : in determining in that case whether the mother's consent to the order was unreasonably withheld within the meaning of s. 3 (1) (*c*) of the Act the facts that the order, if made, would conduce to the welfare of the child, that the mother had seen fit to place the infant in the care of foster parents (without in any way abandoning it), and that she had previously consented to the adoption were not evidence that her consent was unreasonably withheld, and the order of the County Court was quashed.

Approved Schools and the Public

Borstal and approved schools provide jokes for comedians, and there is no great harm in that, provided the public does not derive its conception of them from such a source. What the public needs to know is the serious side of the matter, what these institutions are, with whom they deal, and by what methods.

There is an increasing demand by various organizations and associations to create an informed opinion among their members on social questions, and, in many cases, to see if they can be of use. Rotary clubs are among such associations, and since social service appeals to them it is not surprising to learn of addresses being given to Rotary clubs on some of the penal or reformative agencies for dealing with offences. One such was recently referred to in *Rotary Service*, which dealt with an address given at Bury St. Edmunds by Mr. Michael Stern, deputy head-

master of Langham Oake Approved School. The address was reported in the *East Anglian Daily Times*.

The " unclubable " boy is one of the troublesome problems of workers among young people. Mr. Stern said that in embryo, juvenile delinquency is a problem of the unclubables, the ineducables, and the unwanted.

" What are the manifestations ? " he asked. " They are long jackets, flashy ties, and padded shoulders (anything to bolster up a sense of inferiority), cheap (or not so cheap) suits, greasy hair, pasty skin, and bitten finger-nails, fully-grown youths who feed on comics and the gutter press, who live in dance halls, picture palaces, and amusement arcades, with a nonchalant ' couldn't-care-less ' attitude.

" We all know the sign, and some of us recognize it for what it is, a gutlessness that cracks under strain, because deep down it is based on fear and insecurity, an utter hopelessness in lives that are without sense or purpose."

The aim of the approved school service, he said, was to try and stop this degeneracy at its source. Their efforts were based on the belief that much of the trouble—not all—was caused by factors over which the children had little or no control—their parents, their homes, their background, even society itself. That was why most of the Schools believed in training rather than harsh punishment.

The vast majority of boys who ended up in approved schools came from bad homes he continued.

" Problem parents produce problem children, who in their turn grow up into problem parents—a vicious spiral downwards."

Assault Without Battery

A man who was fined at the sheriff court in Aberdeen was said to have told two police officers who were at a dance in plain clothes that they had spoiled the atmosphere, and, when they were leaving, to have followed them and pointed a skean-dhu at them in a threatening manner. In respect of this he was convicted of assault. This is a good example of the fact that assault, which is generally accompanied with battery, can take place where there is no battery. A threatening gesture within striking distance can certainly amount to an assault.

In the Aberdeen case the defendant (or defender) was also fined for having in his possession, without lawful authority or reasonable excuse, an offensive weapon in the shape of the skean-dhu. This is variously described as a knife, a dirk, and a dagger, such as is worn as part of full Highland dress, and it is carried in the stocking. It seems certainly an offensive weapon within the meaning of the Prevention of Crime Act, 1953, and the only point is whether there is lawful authority or lawful excuse for wearing it upon a particular occasion. The defending advocate at Aberdeen expressed some surprise at the proposition that a Highlander wearing full dress might be held to be carrying an offensive weapon so as to render himself liable to conviction.

We have a recollection of seeing a young Scotsman wearing the kilt at his wedding in England and of the skean-dhu he wore in his stocking. As he proceeded to cut the wedding-cake with it, he might have pleaded a lawful excuse for having it with him, had that been necessary, but the wedding took place before the Act of 1953 was passed.

King George VI Foundation

The King George VI Foundation has issued a booklet describing how it is proposed to allocate the money which has been subscribed to provide a memorial to his late Majesty and the conditions under which it is prepared to make grants. After setting aside a provisional sum of £100,000 for the site and statue of his late Majesty there will be not less than £1,530,000 available for philanthropic purposes.

The first consideration must be that the policy and plans to be adopted by the Foundation shall be such as to commend themselves to the imagination of the public as a worthy memorial to his late Majesty and in sympathy with his known ideals. Approximately two thirds of the funds available will be allocated for the benefit of young people and one third for old people. Grants made by the Foundation will be administered by the governing bodies of national organizations.

The schemes adopted for young people are in three groups :

(1) £500,000 for a King George VI Leadership Training Memorial to enable voluntary organizations concerned with the physical, mental and spiritual development of young people through leisure-time activities, to develop and extend leadership training for boys, girls and adult leaders. Assistance may cover leadership courses of all kinds and include the provision of training staff and training equipment ; individual assistance in the payment of out-of-pocket expenses ; and the use of outside training facilities.

(2) £400,000 for a National Recreation Centre Scheme aimed at promoting the well-being of young people through physical recreation of all kinds. Grants will be made for the development of existing Centres and towards the provision of new Centres.

(3) £85,000 for memorial hostels which will be provided in London, Buttermere, Wales, Scotland and Northern Ireland, and will be maintained by the Youth Hostels Association.

The grants in respect of old people are also in three groups :

(1) £200,000 towards the development of old people's clubs so that these may be available in all parts of the Kingdom. The scope of this scheme will be as wide as possible and grants will be made in accordance with needs and circumstances. In this way it is hoped to encourage local initiative and to enable a large number of communities to benefit. In the main it is envisaged that assistance for club development will cover the following purposes :

(*a*) To enable clubs to open more frequently.

(*b*) To improve the standard of furnishing, equipment, heating, lighting and other amenities, including a meals service if desired and facilities for recreational, cultural and occupational activities.

(*c*) To assist in the provision of suitable premises by means of capital grants, in order to start a new club or to provide improved accommodation for an existing club. Grants in England and Wales will be made through the National Old People's Welfare Committee, the Women's Voluntary Services and the British Red Cross Society, and through similar bodies in Scotland and Northern Ireland.

(2) £200,000 to provide specially designed clubs of which five clubs will be erected experimentally in the first instance at a cost of not more than £50,000. This experiment in four areas is to be carried out on behalf of the Foundation by the Women's Voluntary Services in co-operation with the local authorities and other voluntary organizations concerned. In each case there will be a fully representative local committee.

(3) £40,000 for a scheme to assist in the training of those engaged in the care and welfare of old people. This training will be primarily for the benefit of voluntary workers, but will include certain whole-time workers such as matrons and wardens of old people's homes. The National Old People's Welfare Committee will be the Central Authority for implementing this training on behalf of the Foundation. Courses will be arranged in various localities in such a way that those from different areas and organizations have the opportunity of meeting and sharing their experience and knowledge.

Is this Interference ?

The concern of the County Councils Association is with local authorities, and in particular with county authorities. Clerks to justices do not come within these categories, but the editor of the Association's *Official Gazette*, in his anxiety to preserve the rights of local authorities and to prevent petty interference by government departments, has drawn attention to the desire of the Home Office for a " closer acquaintance with the working of the office side of the magistrates' courts." The editor pertinently asks " Why should the Department feel this need except for purposes of subsequent interference with the operation of the administration ? " He goes on to point out that the Home Office propose to carry out in a number of counties and boroughs a review of the organizations of justices' clerks' offices to find a " less burdensome method of controlling staff establishments."

It is suggested in the *Gazette* that magistrates' courts' committees should object to this kind of inquiry as, it is contended, objection would be raised if a similar suggestion was made to local authorities. We are sure clerks to justices will be grateful for the solicitude evinced on their behalf from an unusual quarter. At the same time attention is drawn to a speech by the Home Secretary at the last Local Government Conference of the Conservative Party, when he expressed his opposition to any increased measure of central control over local administration ; he said that central supervision, in fields where it consists largely of inspection and enforcement of legal requirements, would only mean divided responsibility and confusion.

Salmonella and Sanitation

Prompted by the encouragement we have tried to give, to those local authorities who since the war had been giving some attention to contamination of food, a correspondent suggests the time has come for a more active effort. He tells us of one of the most handsome food stores in London's central West End, where the bread and cakes are all kept under glass or wrapped in cellophane, but the cooked meats, cut pies, prepared entrées, and the like (which our correspondent supposes to be ideal breeding grounds for germs) are exposed to coughs and sneezes, and sometimes cigarette ash, as customers press around, in the daily queue at this counter, which is always busy. In a side street near by, milk is delivered to a restaurant in cans, brought by a motor van, whose driver pours milk from one can to another in the wind-swept street, and sometimes ladles it about with dirty hands holding a dipper lifted from the van. At night the sellers of hot dogs appear, on clean and bright new tricycles—from inside which the sausage is lifted, and placed within its roll by the rider's inevitably dirty hands. It may be that no vast amount of poison is conveyed to human stomachs through the practices complained of, but the fact that the " West End " has shown them still continuing (without intervention by the local authority concerned) is a nauseating reflexion for 1954. And, while we are on nauseating themes, what has happened to the suggestions that used to be brought widely to the notice of men using public urinals (or closets) that it would be a good idea to wash their hands ? The Ministry of Food started this, early in the war, and earned a good deal of newspaper abuse by distributing small placards in this sense to restaurants, for display in the lavatory accommodation open to the customer. Some metropolitan borough councils gave effect to the idea in their public lavatories, even going to the length of gratuitous soap and paper towels—though we have heard of lavatories where the wash-hand basin was so inconveniently placed that hardly anyone would use it. In the greater number of such premises, however, according to an informant who takes an interest in this matter, the only accommodation for a frequenter who would like to wash his hands is that for which a charge is made. We do not know what revenue arises from this source, but we should have thought the opportunity of inculcating cleanliness was worth a trifling sacrifice, and worth the trouble of slight rearrangement of the plumbing so as to make the washing facilities evident and easily available.

Fire Service Statistics 1952/53

This useful return, compiled jointly by the County Treasurers' Society and the Institute of Municipal Treasurers and Accountants, gives the cost of the fire services in each of the counties and county boroughs of England and Wales and an analysis of these figures expressed as a cost per 1,000 population.

Fire brigade strengths are generally determined by the assessed fire risks of the component parts of the area of any fire authority, and as these risks obviously differ widely, the return by itself cannot be employed to make worthwhile comparisons of cost between authorities. It does, however, provide much useful information which will be of great interest in these days of continuously rising rates.

Rate-and grant-borne expenditure for the year totalled £16,720,000, an increase of £1,400,000 (nine *per cent.*) over 1951/52. Current figures, including as they do the substantial wage increases granted since 1952/53, must considerably exceed the 1952/53 totals. Local authorities have been seriously concerned for some time about the cost of this service, and various methods of keeping the rate burden within reasonable limits have been explored. The obvious request that the national exchequer should foot a greater share of the bill was made in May, 1950. It was unsuccessful, and, although individual authorities have pressed the matter since that date, the Associations have not been prepared to make further representations. There has also been resistance by the Fire Brigades Union to proposals for altering duty systems which would have made it possible to limit personnel costs. This is a matter which might well be further investigated. We observe from the return that in some areas at any rate the fireman's lot is not a particularly unhappy one. The following examples illustrate our point :

Authority	*Number of Separate Fire Stations*	*Number of Calls Received in 12 months**	*Personnel*	
			Whole-time	*Part-time*
Cumberland ..	17	259	36	220
Durham ..	24	1073	342	226
Glamorgan ..	37	898	294	416
Barnsley ..	1	116	48	—
Burton-on-Trent.. ..	1	58	39	11
Dudley	1	88	44	—
Merthyr Tydfil	3	67	23	30
Stoke-on-Trent	3	298	92	33

* Excluding chimney fires and false alarms.

The extent to which capital expenditure shall be met from revenue is one of the few matters relating to the fire service where local authorities have considerable discretion left to them, and the return shows a considerable diversity in the charges so made. In a number of instances nothing is done at all in this way, in the others charges are equal to an average rate of ·94*d.* The highest county rate figure is Isle of Ely (8·7*d.* rate) and the highest county borough rate is Warrington (2·4*d.* rate).

MONEY WITHOUT MENACES

[CONTRIBUTED]

The Money Payments (Justices Procedure) Act, 1935, is chiefly remembered as giving an obvious and overdue relief to persons in danger of imprisonment for non-payment of fines and other moneys owing to the court. It provided that persons in arrears should come before the court a second time and not automatically be committed to prison without the opportunity of giving an explanation. Provision was also made in the Act for the supervision of offenders paying money to the court. This, however, has received rather less attention, and the duty it placed upon the probation service has not been widely recognized.

The Act has now been largely repealed and its provisions are embodied in the Magistrates' Courts Act, 1952. Section 71 of this Act covers the provisions regarding supervision which were contained in ss. 5 and 6 of the original Act.

The substance of s. 71 is that any person convicted in a court of summary jurisdiction and ordered to pay money (*e.g.*, fines, damages, compensation) and given time to pay it, may be placed under supervision while paying. This may be done at the time of conviction or subsequently.

For persons under twenty-one, the section is not merely permissive. Subsection (4) definitely states that, after being given time to pay, offenders under twenty-one may not be committed to prison in default unless they have been placed under supervision. There is an exception if the court is satisfied that it is " undesirable or impracticable " to place them under supervision, but if this is the case, the court must state in the warrant of commitment the grounds for its decision (subs. (5)).

If anyone placed under supervision defaults in his payment, subs. (6) of s. 71 of the Act requires the court to obtain a report from the person appointed to supervise, before committing to prison. This report may be written or oral and must deal with the offender's conduct as well as his means.

It is the probation officer who is normally expected to carry out the work of supervision. In relation to his other supervisory duties, the work does not bulk large (at the end of 1952, the total number of cases of all kinds under supervision was 58,678 ; only 1,052 (1·8 *per cent.*) of these were being supervised in the payment of money). However, the task is somewhat different from ordinary probation and after-care supervision, and requires some variation in technique.

There is little detailed official guidance as to how it is to be carried out. The fifth schedule (para. 3) of the Criminal Justice Act, 1948, requires the probation officer to " advise, assist and befriend " persons placed under his supervision. Rule 46 (2) of the Magistrates' Courts Rules, 1952, emphasizes that the advice and friendship must be with a view to inducing the offender to pay " and thereby avoid committal to custody." But perhaps that is rather labouring the obvious. Rule 54 (1) of the Probation Rules, 1949, enjoins the probation officer to encourage every person who is under his supervision " to use the appropriate statutory and voluntary agencies which might contribute to his welfare, and to take advantage of the social, recreational and educational facilities which are suited to his age, ability and temperament." This applies to persons under money-payments supervision, but not so obviously as does subs. (2) which requires the probation officer to ensure that his charges are in " suitable and regular employment." The offender clearly cannot pay if he is not earning anything.

All this is general guidance, however, and the way he deals with each particular case, is left very much to the probation officer's discretion. It is not obligatory for the offender to report to him at his office, nor is it a condition of the Order that the offender receive visits at his home. In addition, there is no requirement to be of good behaviour or to live industriously. The probation officer must treat each case according to the circumstances. If the offender is paying regularly, meetings perhaps need not be very frequent. Often, however, inability to pay is a reflexion of the offender's general inadequacy. In these circumstances, case-work as intensive as with probation and after-care cases may be required. The probation officer will endeavour to establish a warm, personal relationship between himself and his charge. He will visit the home ; he may advise on budgeting and household management generally. His primary aim is to become a friend upon whom the family knows it can rely. Of course, in his official capacity, he represents authority ; he must clarify and uphold the demands of the court ; he must make clear the consequences of non-payment. More, however, is demanded of him than periodic threats, and most probation officers find that it is the personal relationship established which helps most in saving the potential defaulter from his own folly.

The collection by probation officers of money owing to the court is officially frowned upon. It is not popular with probation officers themselves, but in some circumstances it is difficult to avoid. In certain circumstances he is clearly authorized to receive payments (*see* r. 46 of the Magistrates' Courts Rules, 1952). The probation officer may know that if he does not take the money when it is offered, it may be spent on drink. In some cases the regular buying of postal orders and dispatching of letters is beyond the capacity of the offender. Rule 38 (2) of the Magistrates' Courts Rules, 1952, requires money collected by any person other than the clerk of the court to be accounted for and paid over " as soon as may be." Probation officers are only too glad to comply with this.

Occasionally, no actual limit is given to the period of payment ; the offender is merely placed under supervision " until the said sums are paid." This places, perhaps, too great a responsibility upon the supervising officer, and payments may drag out for a very long time. It seems wiser for the court always to fix a time in which payments are to be completed.

The effectiveness of money payments supervision may be assessed from the Probation Statistics for 1952. In that year, Orders in respect of 1,741 males and 187 females were terminated. Of these, 1,561 males (89·7 *per cent.*) and 170 females (90·9 *per cent.*) paid the money satisfactorily. These figures appear even better when it is remembered that supervision is usually reserved for only the most difficult individuals. There must be further satisfaction too in the knowledge that, while the court has received its money, the offender has probably benefited—in some cases permanently—from the friendship and advice of the probation officer.

An enormous number of people are fined every year in the magistrates' courts (610,049 in 1952, out of 727,446 offenders dealt with). Many of these are not among the most intelligent and well-adjusted of the community. In view of this, magistrates might well consider a wider use of the practice of ordering money to be paid under supervision. It would contrive to combine a reformative element with the purely deterrent effect of fining. At worst it would do no harm and, in some cases, it might do an immense amount of good. F.V.J.

POST CARDS AND POLICEMEN

The end of the holiday season of 1953 was enlivened by popular newspapers making merry with the topic of post cards sold, censored, and ordered to be destroyed at Brighton. The high light of the entertainment came when it was pointed out, we understand quite truly, that many of the post cards which the Brighton magistrates said must be destroyed were old stock, which had been on sale in most holiday resorts for years before the war. The legal aspect of proceedings of this sort was fully discussed in an article by a learned contributor, who had been obliged to look into it professionally, at p. 5, *ante*. We think the conclusion he reached is sound, namely that (so far as pictures, of which the comic post card is a species, are open to rational objection in the shape of legal process by reason of obscenity or indecency) the existing law is strong enough to deal with them. We speak advisedly of " rational objection in the shape of legal process," for it is an arguable question how far police or other public authorities do well to concern themselves with this form of commercial enterprise at all. Certainly a large proportion of the comic picture post cards to be seen in shop windows in practically every popular resort will seem deplorably tasteless, to any cultivated person. Sometimes they are not even funny, though it can be admitted that many, even if indecent, are laughable in their way, playing (as did Shakespeare and Chaucer when it suited them, not to mention Rabelais and Swift) upon the coarser side of life, which has an inexplicable power of producing, at least in some moods, a risible response even among cultivated persons. Few ordinary people can be sure they might not snigger at humorous treatment (or treatment would-be humorous) of the excremental functions ; at a rough guess, more than half the "comic post cards" to be found on sale are based upon this theme. They can hardly be regarded as depraving to the moral sense although almost all might, by a person of refinement, be regarded as likely to deprave the common sense of humour, if the common sense of humour be capable of depraving below the level at which nature has already fixed it. Of those which are not directly or indirectly scatological, a large proportion are based on the old fashioned stock humour of the music hall, the mother-in-law, the sink and wash-tub, and those more sordid aspects of domestic life which the Ideal Home aims at banishing. A relatively small proportion deal with "sex," in any normal acceptation of this word, though there are plenty that have a sidelong glance at it—an embarrassing moment in a bedroom ; a window cleaner surprising a woman in her bath, or a pretty woman indiscreetly showing underwear at the compulsion of the wind upon the pier. It may be stupid, though sometimes it is as ingenious as most artificial humour ; it is doubtful whether it can be corrupting, and yet there is little doubt that, if magistrates found it was indecent as a fact, the High Court would uphold them. Parents may prefer that their children should not see such cards, but it seems hardly worth while to attempt censorship by processes of law, with the purpose of eliminating those cards which are offensive to the moral sense, as distinct from those which are offensive to the aesthetic sense of an educated person. It would in fact be extremely hard to draw the line, amongst other reasons because, often, the picture by itself does not convey a meaning which could be condemned, or any meaning. A *double entendre* may be suggested by the letterpress, but this in its turn would often be hardly understood by children—for whose benefit some at any rate of the self-constituted censors profess to have been acting.

Though it was Brighton that got into the news last autumn, with activity on the part of local clergy and police, and with the prosecutions above mentioned, and was even brought into the realm of the cartoonist who portrayed the (almost proverbial) seller of pictures on the Port Said Quay as offering " Feelthy Post cards straight from Brighton," observation up and down the country does not suggest that Brighton has any monopoly of exhibiting post cards of this sort. The town council, however, helped to fit the cap upon the town's head by considering at one stage, in a Bill they are promoting in the present session, the inclusion of a clause providing for further censorship on post cards in the borough, beyond that which can be exercised, as our article showed last year, under the existing law. Wisely in our opinion, after much discussion, they decided not to proceed with this clause, taking the view that the alleged evil was one to be dealt with by general, not local, legislation. The *Brighton and Hove Gazette* of October 24, recording this decision, records also surprise by councillors that the police had power to act, when (it was said) they had not done so. They would perhaps have been even more surprised to learn that, as our last year's article showed, the council could itself have acted—in the same sense as the police, or as a private informant, that is, by prosecuting.

There is a real danger to which too little attention is given by some of those who advocate new restrictions in this field. As the law stands, it is usually the local magistrates who decide whether a comic post card (or any other printed article of commerce) ought to be destroyed on the ground of its obscenity by virtue of the Obscene Publications Act, 1857, or its indecency under s. 28 of the Town Police Clauses Act, 1847. The magistrates in different places may give, and do give, different decisions on the same publication—and this is *prima facie* a cause for adverse comment, although it is not impossible to say that different standards can rightly be applied to obscenity or indecency in different parts of the country, just as they are obviously appropriate in different countries. It is even more obvious that the standard of what may properly be put on sale will vary from one generation to another, perhaps from one decade to another. There may be more to say on this, in relation to the new censorship of books, which police in many parts of the country seem to be attempting. Confining ourselves in this article to post cards, we cannot see that a locally elected governing body possesses as such a special qualification for undertaking this task. It will include among its members persons of differing tastes and differing education, and the common denominator of their deliberations, on a topic of this sort, is likely to be that of the cautious and old-fashioned parent, since those members who would let things take their course will not wish to seem to be more lax than others. Letting things take their course is not necessarily a sign of moral laxity. It may well be that this is a matter where censorship, beyond that for which the existing law provides, would lead the censors into drawing ridiculous distinctions. It was stated in the press last year that the Brighton clergy of many denominations had set up a committee of their members to investigate the local post card trade. The ribald reader may be tempted to remark at this point " what a time they must have had." The effort, nevertheless, can be allowed to spring from worthy motives and if it does have the effect, locally, of raising the standard of would be comic pictures displayed to all and sundry, well and good. The clergy are probably not the best judges of where to draw the line, but at any rate it seems better that results should be sought by voluntary effort than by increased policing, either by constables or by members and officials of the local authority—none of whom *virtute officii* has any special aptitude for such a task. Much of what has been written on this matter, or spoken at meetings of local authorities and societies devoted to the improvement of other people's morals, has gone on the assumption that the quality of a picture or other publication can be judged in much the same way as that

of a sausage or a pint of milk. The sanitary inspector or the public analyst can inform the bench that an edible or potable article has been found to contain such and such unwholesome constituents, or to be deficient in such and such elements which it ought to contain. Neither the clergy nor the constable, nor any officer of local or central government, can give an opinion based upon scientific analysis about the unwholesome features present in a publication, or upon the qualities which should be added to a picture or the accompanying letterpress to make it suitable for general sale. The practical harm to young people, from the exhibiting of the great mass of vulgar post cards, is almost negligible. Indeed, some degree of adolescent sniggering over what D. H. Lawrence called " the dirty little secret " is a kind of measles, which afflicts most people and is just as well got out of the system at that age. Excess of zeal in applying safeguards may lead to repression and have bad results. We should therefore be inclined to leave the law alone, and, as regards the practical application of the law, to advise police authorities, who are at present those most concerned from day to day, and any local authorities who may be tempted to meddle in the matter, that on the whole it is a matter where censorship is all too likely to make itself ridiculous without commensurate gain.

EQUATION OF LOAN REPAYMENT PERIODS

In days past when housing was almost completely the responsibility of private enterprise and education had not developed into the colossus it has now become, expenditure by local authorities on capital works was relatively small. Correspondingly, the science of capital financing was in its infancy and therefore, although the treasurers of that time were no less enthusiastic in the pursuit of economy and efficiency than their successors of today, the great body of knowledge and experience available to the latter was denied to them. For example, they had little experience of the system of loan pooling which, if allowed to function as designed, is such a great simplifier of loan transactions. It abolishes earmarking of borrowings and dispenses entirely with sinking fund accounts, schedules and returns : in the words of a great district auditor in whom the new methods found a powerful advocate " it enables each authority to exercise all its borrowing powers on that beautifully clear and simple plan of repayment by yearly or half-yearly instalments." Thirty years ago, however, an appreciation of the advantages of the consolidated fund scheme was only beginning to emerge in English local government, and in fact the first scheme to be established was that of Leeds, which operated from April 1, 1927. Similarly, mortgage loans pools were rare, and were not widely used until after the issue of the Borough Accounts Order of 1930, which not only recognized the pooling system, but prescribed it.

In these circumstances the treasurers of the past, seeking for a method which would lessen the complications and difficulties caused by the necessity of maintaining sinking funds for each separate borrowing, hit upon the idea of equating loan periods, and the practice was widely adopted. It consisted of finding an average period for a number of loans sanctioned for repayment at various dates in the following manner :

Date of Borrowing	*Amount Borrowed*	*Period Sanctioned (years)*	*Amount Outstanding March 31, 1926*	*Period Unexpired (years)*	*Product*
	£		£		
1912	50,000	30	26,667	16	426,672
1914	20,000	30	12,000	18	216,000
1918	10,000	15	4,667	7	32,669
1923	80,000	40	74,000	37	2,738,000
			117,334		3,413,341

$$\text{Equated period} = \frac{3{,}413{,}341}{117{,}334} = 29 \text{ years.}$$

Equation was usually put into operation when any scheme of consolidation was effected, and is specifically referred to in the Local Authorities (Stock) Regulations, 1934, paragraph 4 of which reads :

" *Consolidation of Loans*

4. With a view to the consolidation for the purpose of repayment of loans which a local authority have raised or intend to raise by the issue of stock the authority may prepare, and the Minister may approve, with or without modifications, a scheme of consolidation, and the scheme shall fix the period or periods within which the loans which it is proposed to consolidate shall be repaid and for that purpose may extend or vary any periods originally fixed as the periods within which provision was required to be made for the repayment of the several loans, due regard being had to the amounts of the loans and the periods so originally fixed."

Outstanding loans were grouped according to the purposes for which raised ; for example, for general rate fund purposes and for each separate trading undertaking. Authority was obtained by local Act, provisional order or sanction of a government department.

The chief advantage of equation lay in the general simplification obtained, since only one sinking fund was needed for each group of loans, clerical labour in the completion of numerous sinking fund records was abolished and there was greater facility in the application of sinking funds.

There were disadvantages also, one being the complication arising when an asset with a comparatively short life needed to be replaced. This point was particularly important in the case of trading undertakings, as equation sometimes carried with it a condition that no borrowing for replacement was to take place during the period sanctioned ; consequently quite a difficult situation could arise with regard to the cash reserve required to cover the cost of large renewals.

For reasons such as these, and because of the realization that loan pooling was the better system, schemes for equating loan periods lost favour and are now rarely encountered. Rarely, that is, in relation to the alteration of existing loan periods, but we believe that there is now being mooted a scheme for equating loan sanctions to be issued in the future.

In the era of Daltonian finance the Public Works Loan Board was almost the sole source of local authority borrowing, and even in the changed circumstances of the present day the Board remains the major source of capital finance. Although its interest rates, prescribed by the Treasury, are reasonable the fees charged to borrowers are not, and the methods of repayment on which the Board insist are archaic. Representations for more latitude in the determination of both period and method have not been accorded a favourable hearing, and the insistence upon repayment by instalments over the full sanctioned period remains a source of trouble and annoyance to local authorities. In taking up this unyielding attitude the

Board have perhaps stood in the shadow of the Treasury : the dislike of the latter for the accomplishment of loan repayment in less than the full term is well known, and is conditioned no doubt by the fear that if the practice were widely adopted the liability of the national exchequer for that portion of loan charges falling to be met out of government grants might be increased in the immediate future. We can well understand, however, the attraction for government departments of a scheme of equating loan periods which might be put forward as a concession to local authority representations but which left P.W.L.B. procedure unaltered. The equated period or periods could be determined so that there would be no significant increase in annual grant payments and, in addition, a simplification of central clerical work should ensue. The advantages to the local authorities, on the other hand, are not so obvious. Taking as an example the Ministry of Education, which ranks second only to the Ministry of Housing and Local Government in the total of sanctions issued, we believe that there is much diversity throughout the country in the periods allowed for repayment of loans for new schools. There may be good reasons for the practice, *e.g.*, because of differing types of school buildings (although the reasons for some variations are very hard to fathom), but considerable diversity there is. It follows, therefore, that in this instance the application of an equated period universally applied to all authorities might be regarded as a benefit or not by a particular local authority according to the relation of its own equated period to the national figure, and according also to the policy of the authority. Some councils prefer short repayment periods, others wish to obtain the longest possible spread-over. Limited flexibility exists at present because of the opportunity of varying methods of borrowing and effecting redemption of loans within a period shorter than the authorized maximum.

We consider therefore that any rigid scheme of equation on a national basis which gave no option but to provide for redemption over the equated period might well be unacceptable to many local authorities.

The alteration of the P.W.L.B. rules about repayment is the change which would be really beneficial, but this the Government appears unwilling to make.

COUNTY COUNCILS AND DISTRICT COUNCILS IN SCOTLAND—II

By ROBERT URQUHART, *County Clerk, Renfrew*

(*Concluded from p.* 151, *ante*)

In continuation of the last article on county and district councils in Scotland, it is desired to discuss what may be of some interest to your readers who are concerned about a possible change in the present local government set-up in England.

When the Local Government (Scotland) Act, 1929, was in the Bill stage one of the major difficulties which confronted the promoters of the Bill was the voting power to be conferred on the members of the new county council. As has been explained in the previous article, that council was charged with the duty of carrying out functions which varied according to the constituent authority concerned. In a county consisting of large burghs, small burghs and landward area it was in fact a three-tier form of government, the top tier, *i.e.*, the whole council, exercising the function of education throughout *the whole area*. The second tier discharges the functions of major health (maternity service and child welfare, infectious diseases, milk and dairies, food and drugs), services under the National Health (Scotland) Act, duties under the National Assistance Act, 1948, civil defence, registration of births, diseases of animals, rivers' pollution, classified roads, etc., in *the small burghs and landward area*. The third tier is responsible for functions relating to unclassified roads, housing and the environmental services *in the landward area*.

The difficulty surrounding the voting rights of burgh members was not new, as it had been in existence from 1899, and it was generally agreed that the provisions of the old Act were unsatisfactory.

The new system finally evolved from an approach along two lines. It was clear from the set-up that the large burghs had a limited interest in the work of the council as a whole, whereas the small burghs' interest was proportionately much larger. The question therefore revolved round the point as to whether the large burghs should have a small representation with full voting powers or a large representation with limited voting powers. The large burghs demurred at being limited in numbers, and as against their view that they should have full voting powers with their large numbers it was contended that it was wrong that they should be in a position to weigh in with their large numbers and vote on such questions as standing orders or the appointment of chairman of the council or its clerk. This might be more clearly understood by examining the case of the actual composition of one Scottish county council, which has a membership of ninety-two. Fifty of these members represent large burghs, whose sole interest in the council is limited to one function—education. Had these fifty members the right to exercise a deliberative vote on any matter beyond education, they would have been in a position to dictate to the council on the subject matter of such a vote. The 1929 Act therefore provided in the case of the small burgh representative that he could cast a deliberative vote on any matter, unless it could be challenged that the business concerned related solely to the landward area and nothing else. The case of the large burgh representative was treated from the opposite angle, and he was barred from exercising a deliberative vote unless in respect of a matter which related solely to a function which was exercisable within a large burgh.

The solution provided in the 1929 Act to overcome this voting difficulty has so far in the writer's experience worked exceedingly well, but there has from time to time been an outcry against the large burgh member being deprived of a deliberative vote in the choice of a chairman of the council or the appointment of a clerk, but as has been mentioned before, if the burghs are to have large representations in regard to the function they are interested in, it is questionable that they should be in a position to dictate to the whole body in matters which they may be interested in but to the cost of which they contribute nothing. The failure to possess a deliberative vote in the appointment of a chairman of the council does not debar the large burgh member from becoming chairman. If the council thinks one of their number from that section of the council is the best man for the job, the statute provides that a chairman elected in these circumstances, while he cannot exercise a deliberative vote, may exercise a casting vote, where necessary.

In any consideration of the question as to which system might be adopted in England in the light of experience in Scotland, the picture would not be complete without explaining the constitution of the education committee. That committee has by statute not only to include a certain number of members of the

county council but also a quota of co-opted members representative of (*a*) persons of experience in education and persons acquainted with the needs of the various schools, (*b*) churches, and (*c*) women—two. By statute, many important aspects of education are delegated to the education committee by the county council, and such of the functions as are not delegated stand referred to that committee. This is a subject which has caused some controversy. Its keenest adversaries contend that it has denuded the true education authority of its powers and has handed these over completely to a committee, which is only a small proportion of the council, plus co-opted members who hold office without the control of the electorate. That charge cannot be entirely refuted, and under the scheme of delegation as practised in Scotland, it is possible for an education committee on occasion to flout the considered opinion of the main body.

The representation on the county council from large burghs, small burghs and the landward area was agreed among the authorities concerned at the passing of the 1929 Act, and the large burghs, having come down on the side of large numbers with limited voting powers, the position has resulted in a considerable number of the burgh representatives having no interest in the working of the county council beyond attending the bi-monthly meeting to receive the minutes of the education committee, and even when they do attend and may raise a matter, they are in many cases precluded from getting any action taken because of the delegation to the education committee. The writer's experience has, therefore, been that in time these members simply do not attend any meetings of the council except that following the triennial elections at which committees are appointed.

On the other hand, if the large burghs had accepted smaller numbers with fuller voting powers they would have been in no worse position, but their members would have had a greater interest in the work.

ADVERTISEMENTS AND PLANNING: FROM ANOTHER ANGLE

By REGINALD BREFFIT

The article on Advertisements and Planning at 118 J.P.N. 71 has encouraged the following observations from the angle of the country policeman occasionally concerned with the sticking up of notices, statutory and otherwise.

Notwithstanding the restraint which, with universal approval, has been imposed by modern thought and legislation on the display of advertisements, there are still a number of matters which have to be advertised parish by parish as the occasion demands, and those responsible for the display of public notices, including both the local government officers who are responsible by virtue of the position they hold and their humbler brothers who travel round with paste-pot and brush and do the actual sticking up, are finding their task more difficult than formerly. In the same way that the greatest scientists of today still catch colds in their heads, we find that, whereas the resignation of a Cabinet Minister or the latest test match score is flashed round the world in a second or so, the means available to us for informing our local public on the matters on which they are supposed to be informed are a good deal less satisfactory today than they were twenty-five years ago. In those days excellent *ad hoc* notice boards were found, in the shape of county bridges and G.P.O. telegraph poles. Tidy-minded surveyors and postmasters have put an end to this, and one has to be content with official or private notice boards and shop windows (by courtesy of the shopkeeper). Sites for sticking notices are become quite precious today ; and when the police are given the job of bill-posting the public rather expect them to confine themselves to police notice boards (one of which often serves two or more parishes), emulation of the cuckoo being discouraged.

How really necessary are public notice boards nowadays ? We have all observed and in many ways regret the dependence of the public on the B.B.C. and must admit their growing reluctance to look at notice boards, which seem to have lost their former compelling influence. This is rather odd, because by upbringing we ought to be notice-board-minded, seeing that at school our movements were largely controlled by notices telling us the times of our classes, how successful we had been in examinations, and what position we were to occupy in the afternoon's game of football. Putting up notices (when we were very young) was much more amusing than having to read other people's notices ; and as we get older we find that the person who gives more than a passing glance at a public notice board as he walks by is likely to cause a crowd to collect, or at least to be suspected of trying to avoid meeting an unwelcome acquaintance. Whatever the reason, however, it is a fact that the respect for notices we should have acquired as children disappears as we grow up.

The problem has been aggravated by the B.B.C., which has succeeded in gluing listeners and viewers to their firesides, but both nationally and regionally is metropolitan in the character of its programmes and allows no air for local announcements. If commercial broadcasting firms can find air for the advertisement of articles of food, medicine and so on, it should not be impossible for the B.B.C. regional programmes to give out a few local announcements of importance, priority being given to those required by statute. Notice of intention to divert a right of way, for example, might be made the subject both of an announcement and, with a view to providing local interest, an on-the-spot interview with local personages interested in the diversion. When no longer *sub judice*, the same material would become available for the hard-pressed comedian who, despite the accommodating ease with which his studio audiences are amused, must find it very hard to keep going in the test of survival.

An asset which might well be restored to circulation is the town crier. Not only did he cry in days gone by, but he served rate and county court summonses and was an ornament of the mayor's procession on state occasions. Give him a little more mobility and a wider district to cover, and an announcement by the crier on not less than three successive market days could come to be regarded as sufficient compliance with the Act—on the same principle as calling the banns in church.

The police do not nowadays do a great deal of bill-posting, and the problem sketched above is not one in which they are more than mildly interested. It does seem to the layman, however, that planning and official advertising have not travelled together as happily as they might have done. He travels fastest who travels alone, and planning has a long journey ahead. Either planning must give a helping hand to its halting companion or must abandon him. Better the latter, perhaps—and bring back the town crier.

MISCELLANEOUS INFORMATION

TYNEMOUTH POLICE REPORT

The county borough of Tynemouth is not one of those areas in which there seems to be a definite trend towards less crime. In his report for 1953, Mr. J. J. Scott, the chief constable, writes : " Crime continues to increase in the borough and the figures are now more than double what they were prior to the last war. The increase is a general one and involves breaking and entering and larcenies of all types. . . .

" During the year 753 crimes were committed in the Borough. This is the highest total ever recorded and is an increase of sixty-four as compared with the year 1952." Crime detection was good, amounting to 64·5 *per cent.* which was a little better than in 1952.

Mr. Scott, like many other chief constables, appeals to the public to protect their own property. Premises should be secured in every possible way. As he wisely observes : " It is essential that every possible difficulty should be placed in the way of the would-be thief and that he is required to make as much noise as possible when endeavouring to break into premises. The more noise he is required to make the more likelihood there is of his being apprehended. Householders and shopkeepers should also, as far as possible, refrain from keeping large sums of money on their premises when they are unoccupied because cash is the main objective of all thieves, and in the majority of cases is not identifiable." Bicycle stealing could be much reduced also if only people would secure their cycles with a padlock and chain, and this applies even when they are put away in a shed for the night.

Juvenile crime shows a slight decrease, but unfortunately there were thirty-five juveniles charged with shopbreaking as against twenty-three in 1952 and five cases involving indecency against none in 1952. There was also a disturbing amount of wanton damage to property by juveniles.

In connexion with traffic accidents, the report states that many are caused by carelessness in boarding or alighting from public service vehicles, and adds that if only drivers, conductors and passengers on public service vehicles would exercise more care at omnibus stopping places the number of persons injured when boarding or alighting from such vehicles would be greatly reduced. No fewer than 103 accidents were caused by dogs running loose across the carriageway, and Mr. Scott appeals to dog owners to keep their dogs under control and on the lead when on the highway.

One pleasant feature of this report is a reduction in the number of persons proceeded against for drunkenness.

STATISTICS OF DRUNKENNESS

Merely to give figures of the convictions for drunkenness in a given year would be of little value, and most chief constables add particulars about residents and non-residents, age and sex and other matters.

In the report he presented to the annual general licensing meeting, the chief constable of Dudley gave a considerable amount of information upon which further inquiry and comparison could be based. Thus, he took Dudley and twenty-five other towns from seventeen counties, and tabulated statistics relating to them, including the significant figure of the number of cases per thousand of the population. Dudley, which in 1952 was second lowest, was in 1953 thirteenth from the bottom. Evidently, towns change their position, and one wonders why. There is a graph for Dudley covering a number of years, which looks like the temperature chart of a patient suffering from a sharp attack of some kind of fever, and it is regrettable to see how high a point was reached in 1953.

Of course, there may be local conditions prevailing in one year and not in another which affect the figures. These are doubtless known to those for whom the tables are primarily intended, and they provoke curiosity and suggest lines of investigation for others for whom statistics have a certain fascination.

SOUTHPORT POLICE REPORT

While the report of the chief constable of the county borough of Southport for the year 1953 contains much that is encouraging, there are two matters which must be causing some concern. One is an increase in the number of traffic accidents from 816 in 1952 to 932 in 1953, with fatal accidents increasing from two to nine. Such increases are, unfortunately, to be found in many districts, in spite of the measures of prevention taken by the police and other bodies. In Southport, in addition to school visits and lectures with which we are familiar, there were road safety lectures with an appropriate film, where practicable, given to nineteen adult organizations in response to requests. These meetings provided the opportunity for the discussion of many local traffic problems arising from questions which were put by vehicle users and pedestrians. The chief constable recommends the provision of blinking lights at all uncontrolled (zebra) crossings as essential if the maximum safety value is to be obtained from this type of crossing.

Here, as in some other places, there is the disappointing failure of applicants for appointment to the force to reach the requisite standard of education. Of sixty-seven applicants, most of the fifty-two who were not accepted were rejected on this ground. The kind of recruit desired is thus indicated : " Most of the recruits accepted possess the School Certificate or have been educated up to that standard, and I am satisfied that the policy of the Committee in insisting upon this high standard has resulted in the force acquiring personnel who will, in the future, be able to occupy any rank within it. The standard has never been higher."

Turning to the pleasanter side of the report we find a marked decrease in crime, an increase in crime detection, and an increase in co-operation of the public with the police. The number of crimes recorded in 1953 was 995 which is a decrease of 196 compared with 1952.

Sixty-four *per cent.* of the recorded crimes have been detected during the year. Sixty-one *per cent.* were detected in 1952.

1953 again shows a reduction in the number of breaking and entering offences, 132 being committed, against 195 in 1952—a decrease of 32·3 *per cent.* Sixty-six (fifty *per cent.*) breaking and entering offences were detected in 1953. Bicycle stealing shows a substantial reduction. This is very satisfactory, and what is perhaps still more gratifying is the remarkable fall in the statistics of juvenile crime. One hundred and seventy-nine such offences were detected in 1953 against 245 in 1952. This represents a reduction of 26·9 *per cent.*, whereas the overall reduction in recorded crime is 16·5 *per cent.* The number of breaking and entering offences by juveniles is reduced from fifty-nine to thirty-two—forty-five *per cent.* One hundred and twenty-two juveniles were dealt with for crime, a reduction of sixty-seven (thirty-five *per cent.*) from the figure of one hundred and eighty-nine in 1952.

THE NATIONAL COUNCIL OF SOCIAL SERVICE ANNUAL REPORT

The Report of the National Council of Social Service for 1952-1953 is useful as showing the role which voluntary organizations can and should play in the life of the community. At one time it seemed that when the welfare services were in full operation the voluntary organizations might become largely redundant. The report shows that this has not happened and is unlikely to happen so long as individual initiative is accepted as an essential condition of social well-being. Their role would nevertheless be much more restricted today were it not for the fact that as stated in the report the public authorities are prepared to take them seriously as important instruments of community life and not merely as useful agents " to be dismissed as soon as it is convenient." It is satisfactory to learn that in spite of the serious rise in costs and of increasing claims on the public's generosity, voluntary organizations contrive to carry on their work and take advantages of new opportunities of service. Unlike the United States, where combined charitable appeals are a dominating feature of social work, organizations in this country, except on rare occasions and for specific purposes, prefer to make their own appeals direct to the public.

During the year consideration was given by the National Council to the problems connected with the transference to the Board of Inland Revenue of the statutory responsibility for preparing the schedules of assessments for rates. In the past it has been the practice of local rating authorities to give sympathetic consideration in assessing and levying rates payable by voluntary organizations for the property and land which they occupy. The Inland Revenue authorities have made clear to the Council that they would have no power to make such special sympathetic assessments so the Council came to the conclusion that the position would be best met if amending legislation were introduced giving local authorities permissive powers—to reduce or remit the payment of rates by a body which is established for charitable purposes only ; if this were done it would then be within the power of local rating authorities to examine the position of each voluntary organization and in its discretion to adjust the rates payable. This proposal has been conveyed to the local authorities' associations in the hope that it will attract their sympathetic support and has been presented to the Minister of Housing and Local Government.

In connexion with other action taken by the Council on behalf of voluntary societies reference is made to discussions on the operation of the Legal Aid Advice Act and to a conference which was held to consider the present position. Great concern was then expressed that the Act was not yet fully implemented and it was pointed out that, since the official scheme operated by the Law Society was limited to providing legal assistance in the High Court, it is still necessary to continue on a voluntary basis the legal advice service which has for many years given help to poor people in some areas. Financial support for this voluntary work has diminished since the passing of

the Act in the expectancy that an official scheme would take its place. It is likely that some of these voluntary centres will have to close. A representative committee has therefore been set up by the Council to review the position and make appropriate representations to the Government for the implementation of the Act.

GENERAL ACTIVITIES

The report included a summary of the work of the various departments and groups associated with the Council. The report as a whole is of general interest but each section is of particular interest both to local authorities and to the voluntary organizations concerned. There has been an extension in rural activities but the work for village halls still presents considerable difficulties largely owing to the restrictions on new buildings and adaptions. The citizens' advice bureaux are continuing their valuable contributions to social life in all parts of the country and now number 475, dealing with about 1,250,000 inquiries and requests for help each year. We have referred previously to the special work of the National Old People's Welfare Committees which is an outstanding example of an organization which is provided with a central staff and headquarters by the Council but otherwise acts largely as an independent body and has, in association with the statutory bodies, done so much for the mobilization of voluntary effort to ameliorate the position of the aged. Good work also continues to be done by the National Association of Women's Clubs, the Women's Group on public welfare, the Central Churches Group, and the Standing Conference of National Voluntary Youth Organization. Some of the work with which the Council is associated is valuable as showing the way to pioneering work in other countries. This is specially apparent in connexion with the work of the National Federation of Community Associations as during the past year visitors were received from no less than seventeen countries overseas.

The interest of the report is enhanced by excellent photographs which have clearly been chosen as showing what can be done by self help. One shows volunteers building a village hall in Hampshire and another building a community centre by voluntary labour at Bristol. As showing voluntary work by youths there is a photo of a Y.M.C.A. club being decorated by the members and another of members of a Y.M.C.A. building new dressing rooms for their football team.

The report concludes with a statement of the financial position of the Council. It was reported in the previous year that expenditure had exceeded income by approximately £7,000 and that as a result the Council's small reserves had been almost exhausted. Drastic cuts were therefore made in the staff. Special efforts were also made by the associated groups to increase the contributions from their constituent members and the response was very reassuring. The voluntary income of the Council increased last year by some £700 to a total of £47,500 but there was a drop in Government grants of over £3,000. Nevertheless the reduction in expenditure by nearly £10,000 enabled the Council to finish the year with a surplus of £2,068 which has been transferred to the reserve funds.

LAW SOCIETY FINAL EXAMINATIONS

[We are indebted to the Law Society for permission to reproduce the Questions for the Final Examination as held on Wednesday, March 10, 1954.—*Ed., J.P. and L.G.R.*]

LOCAL GOVERNMENT LAW AND ADMINISTRATION.

1. The council of a rural parish consider that their parish should be separated from the district of which it forms part and erected into an urban district. To whom should they apply and how would the change be effected?

2. (*a*) Abraham is a teacher employed by the managers of a voluntary aided school in the county of Barset. (*b*) Bernard is the headmaster of an independent school the governors of which have agreed to provide places for a number of boys nominated and paid for by the Barsetshire County Council. (*c*) Cuthbert is serving a sentence of six months' imprisonment for drunkenness in charge of a car. (*d*) Donald recently avoided a bankruptcy petition by making a composition with his creditors. Apart from the facts given, all are qualified for election to the Barsetshire County Council. Which, if any, of them are disqualified?

3. A county council wish to dismiss the clerk of the council, county treasurer, county medical officer, county sanitary officer and county surveyor. Discuss the position. Would the position be the same if a county borough council wished to dismiss their corresponding officers?

4. Who may raise objections to items in accounts which are being audited by a district auditor and what steps are taken to see that such persons have an opportunity of doing so?

5. A county borough council wish to borrow money. (*a*) To meet current expenses until the revenue from rates comes in, and (*b*) To pay for some land which they are acquiring for education purposes. Can they do so?

6. (*a*) Alfred is a member of the Muddlecombe Parish Council and the owner of Blackacre Field. His wife Bertha owns eighty of the 10,000 issued £1 shares of Public Contractors Ltd. The Parish Council will consider at their next meeting proposals to buy Blackacre Field and to enter into a contract with Public Contractors Ltd. to convert it into a recreation ground. What is Alfred's position? (*b*) It is probable that owing to an influenza epidemic there will not be a quorum of the parish council present unless Alfred takes part. What can be done?

7. Set out briefly the chief ways in which Parliament has sought to retain control over delegated legislation in cases where the Statutory Orders (Special Procedure) Act, 1945, does not apply.

8. There are in the administrative county of Loamshire extensive areas of moorland. The Loamshire County Council wish to arrange for the public to have access to them. How may they now do so? If they take action, what rights will the public have?

9. Appius, a builder, builds a group of houses in a county borough and constructs a road to serve them. How may he make the borough council responsible for maintaining the road?

10. What steps may a housing authority take to prevent overcrowding? How is overcrowding defined?

11. A borough council, finding their tramway system has become unremunerative, wish to operate omnibuses or trolley vehicles instead. Have they power to do so? If not, how may they get power?

12. Your client Jones is being prosecuted for selling food not of the quality demanded by the purchaser. (*a*) He wishes to challenge the public analyst's certificate. What action should he take? (*b*) He says that the fault (if any) is not his but his supplier's. What will he have to prove for this defence to succeed?

THE LAW AND PRACTICE OF MAGISTRATES' COURTS, INCLUDING INDICTABLE AND SUMMARY OFFENCES, MATRIMONIAL JURISDICTION, BASTARDY, JUVENILE COURTS, TREATMENT OF OFFENDERS, CIVIL JURISDICTION, COLLECTING OFFICERS' DUTIES, THE ISSUE OF PROCESS, EVIDENCE IN CRIMINAL CASES, AND LICENSING.

1. A has been committed to the Assizes, on bail, on a charge of bigamy. While awaiting trial he and B commit an offence of housebreaking. The next quarter sessions will be held two months before the Assizes. What guidance would you give to the justices regarding the appropriate court to which A and B should be committed for trial?

2. At the close of the proceedings on a charge of dangerous driving, the justices decide to retire to consider their decision. They request you, as their clerk, to accompany them. The defendant's solicitor objects to this course. What advice would you give the justices?

3. A maintenance order made by a magistrates' court against Smith provides for payment of £5 per week in respect of his wife and 30*s.* per week in respect of each of two children. Smith wishes to deduct tax from these weekly payments. Advise him regarding the matter.

4. What powers are vested in a magistrates' court with regard to the duration of a maintenance order under the Bastardy Acts?

5. Mary, aged fourteen years, has escaped from an approved school. It is believed that she is concealed in the house of her parent. What steps may be taken with a view to restoring Mary to the school and punishing the parent?

6. Q is convicted at a magistrates' court of obtaining from R the sum of £150 by false pretences. He has recently obtained employment and on the hearing offers to recompense R by making weekly payments out of his wages. Advise the justices whether they can order Q to compensate R in respect of his loss.

7. Mrs. Lewis makes a complaint that her husband has deserted her. She states that he is preparing to leave the country and asks the justice to issue a warrant in the first instance. Has the justice power to do so? If the justice issues a summons and the defendant fails to appear, what steps may the magistrates take to bring him before the court?

8. On March 1, at a magistrates' court, B is fined £25 for an offence of larceny. He is also ordered to pay £5 by way of compensation to the injured party and £4 in respect of witness fees incurred by the prosecution. By March 31, B has paid £10 to the clerk of the court. How should this sum be allocated and how should the clerk account for the amount that he has received towards the fine?

7. Section 4 of the Affiliation Orders Act, 1914, provides as follows: "The person on whom an affiliation order has been made shall, if he changes his address, give notice thereof to the collecting officer, if payment has been ordered to be made to him, and, if he fails to do so without reasonable excuse, he shall be liable on summary conviction to a fine not exceeding two pounds." Draw an information, using imaginary particulars, alleging a contravention of this section.

10. Section 84 of the Magistrates' Courts Act, 1952, provides that an appeal from a magistrates' court to quarter sessions shall be commenced within fourteen days after the day on which the decision of the magistrates' court was given. Section 106 of the same Act provides that (with certain exceptions) a magistrates' court shall not remand a person for a period exceeding eight clear days. Illustrate by examples the maximum period allowed by each of these respective provisions assuming that the decision and remand respectively occurred on January 1.

11. T is prosecuted for driving a motor-car at an excessive speed in a

" built up area." He fails to attend the hearing and has not forwarded his driving licence to the clerk of the court. The justices inquire what consequences may ensue. Advise them.

12. G the manager and licensee of the Blue Boar in the city of X has retired and K is appointed manager in his place. The next transfer sessions will not be held for six weeks. What steps must be taken to enable K to sell intoxicants? To whom must notice be given of any applications that are required?

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 29

EMPLOYMENT OF YOUNG PERSONS AT NIGHT

The British Transport Commission pleaded Guilty recently at the Highgate Court to five summonses for employing young persons at night in an industrial undertaking, *viz.*, the Motive Power Depôt at Hornsey, contrary to s. 1 (3) of the Employment of Women, Young Persons and Children Act, 1920.

The local authority prosecuted the summonses, and the court was informed that the Commission were not unaware of the breach of the Act, as their attention had been drawn to it in June, 1953.

The facts disclosed that forty-two young persons were employed as firemen at the depôt, and it appeared that all of them did night duty as their turn came around. The five boys in respect of which the summonses were issued were between the ages of sixteen and seventeen and they all had stated they liked doing night work as it was advantageous to them financially.

Counsel for the Commission said that night work was essential, because it was largely concerned with goods traffic over passenger rails used during the day, and for maintenance purposes.

The question of the employment of young persons at night had been raised in the Gower Report in 1948 and was once again being considered by the Commission.

The chairman said the court appreciated the difficulties of the railway and also of the rather large implications involved, and imposed a fine of 5*s.* on each summons with total costs of £10 10*s.*

COMMENT

Mr. R. Wait-Brown, clerk to the Highgate justices, to whom the writer is greatly indebted for this report, mentions that he understands that the case was the first prosecution of its kind for a breach of the law which is occurring daily in all parts of the country. The writer does not know if Mr. Wait-Brown's contention is correct, but it is certain that prosecutions under s. 1 (3) of the Act are sufficiently rare to justify a short review of the legal provisions.

Section 1 (3) provides that no young person or woman shall be employed at night in any industrial undertaking except to the extent to which, and in the circumstances in which, such employment is permitted under the Conventions set out in Part 2 and Part 3 respectively of the schedule to the Act. A " young person " is defined in s. 4 of the Act as meaning a person who has ceased to be a child and who is under the age of eighteen years. A " child " was defined in s. 4 of the Act as meaning a person under the age of fourteen years, but by virtue of s. 58 of the Education Act, 1944, a "child " is now defined as meaning any person who is not over the compulsory school age.

Part 2 of the schedule which relates to the night work of young persons employed in industry provides in art. 2 that a young person under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, other than an undertaking in which only members of the same family are employed, and art. 1 defines the term " industrial undertaking ". Article 3 of the Convention provides that the term " night " shall signify a period of at least eleven consecutive hours, including the interval between 10 o'clock in the evening and 5 o'clock in the morning.

This curious expression was dealt with in Practical Point No. 3 at p. 175, *ante*, and the questions there posed show the difficulties which can arise when a term is not defined with clarity. R.L.H.

No. 30.

GREED JUSTLY PUNISHED

A sixty-five year old woman appeared before the Farnham magistrates earlier this month and elected summary trial on three charges each laid under s. 32 (1) of the Larceny Act, 1916. The charges alleged that the defendant in November, 1951, September, 1952, and June, 1953, with intent to defraud, unlawfully obtained from the National Assistance Board a valuable security, namely a National Assistance Order Book containing orders, each order being for the payment of a sum varying between £2 and £3 by falsely pretending that she had no income, property, savings or assets, whereas she owned three caravans occupying sites on Hayling Island, which were let out during the summer.

For the prosecution, it was stated that National Assistance Order Books were issued when it appeared that a person would remain on assistance for a considerable time, and this means of effecting assistance was used in the case of the defendant who first applied for assistance in June, 1949. She then told the Board that she had been in business on her own account and had sold the business and that £150 in her bank account represented the proceeds of the sale. Defendant signed the statement as being complete and accurate as regards all her assets and income, and as a result assistance was authorized. Defendant re-applied in 1949, 1950, and November, 1951, the last date being the subject of the first charge. In November, 1951, defendant declared that her only asset was £1 in the Co-Operative Society, and in September, 1952, when making a renewed application, she stated that this sum had increased to £5. In June, 1953, she told the Board that there was no change in her circumstances as regards assets, and as a result of each of these declarations assistance was made upon each occasion.

At the end of 1953, it came to light that the defendant had in fact during the whole of the time she was in receipt of assistance, been the owner of three caravans, which on her own admission, she bought for £800. These were on a site at Hayling Island and were let during the summer months, giving the defendant a certain income. Defendant had never disclosed the caravans and if she had done so assistance would never have been paid to her. When questioned she stated that the caravans actually belonged to her son, although they stood in her name because he was a minor aged seventeen at the time of purchase.

Several employees of the National Assistance Board gave evidence for the prosecution to support the facts stated above, and it was stated by one witness that anybody with assets over £400 was not normally entitled to assistance, but had the caravans been assessed at under £400 assistance would have been on a sliding scale and not the maximum as actually drawn by the defendant.

A prosecution witness gave evidence that in 1948 defendant made an agreement to rent three sites on Hayling Island for her caravans and paid twenty-five guineas per annum for each.

Defendant, who pleaded Not Guilty to the charges, gave evidence that she sold her business in 1948 for £450, getting £150 in cash, £200 in stocks and shares and the balance in weekly payments of £2. She bought one caravan before selling the business, and after selling the business decided to buy two more, thinking that the lettings might bring her some income. In fact the lettings in the first three years went to paying for the caravans and she did not think that she had made any profit from the caravans due to the excessive ground rent compared with the rentals obtained and the repairs needed. In cross-examination, defendant said she had not declared the caravans because they were bringing her in nothing and she had said that they belonged to her son because she intended him to have them.

Defendant was found Guilty on each charge, and asked for fifteen other cases to be taken into consideration. The amounts she received from the National Assistance Board aggregated nearly £350.

The chairman, General Sir Robert Haining, imposing fines of £30 upon each charge and ordering payment of £10 10*s.* costs, told the defendant that she had been defrauding every single tax payer.

COMMENT

It is gratifying to note that the Farnham magistrates punished with severity this impudent attempt to obtain assistance which was not deserved. There is good reason to believe that all too often applicants for National Assistance fail to disclose the whole of their assets, particularly if they have some colourable excuse to offer if detected, and it is to be hoped that such cases when they come to light will continue to be punished with severity so as to make it apparent to all that this particular game is not worth the candle.

(The writer is greatly indebted to Mr. R. T. Trimming, clerk to the Farnham magistrates, for information in regard to this case.)

R.L.H.

PENALTIES

Hove—March, 1954—Assault occasioning bodily harm. Fined £10, to pay £1 13*s.* 6*d.* costs. Defendant, a twenty-three year old Irish labourer, met a married woman aged sixteen, legally separated from her husband, and mother of a two-year old child of which her husband was not the father. The parties got into conversation and spent the evening drinking together. Defendant kissed the girl without her objecting and later they went into a watchman's

hut where she objected when he tried to interfere with her. Defendant lost his temper, slapped her and kicked her in the ribs. The chairman told defendant to remember that "all that glitters is not gold".

Brighton—March, 1954—(1) Obtaining £2 by false pretences—(2) obtaining £4 16*s.* by false pretences. Six months' imprisonment. AB thought he had won £75,000 in the football pools but his coupon could not be traced. He thereupon wrote to a local woman who had won £75,000 the same week suggesting she should make him a "consolation" gift. Defendant heard of this and called on the wife of the unlucky "investor" and represented himself as a C.I.D. man. He said the only way to avoid her husband being sent to prison was for her to pay to him the "court fees". She and her husband did so. The chairman commented "It is almost incredible that this could have happened in 1954".

Manchester Assizes—March, 1954—Stealing a 10*s.* note. Two years' imprisonment. Defendant, a twenty-seven year old former police constable, was given the note by a man who found it in the street. He failed to surrender it and made an erasure in his notebook in an attempt to conceal the theft.

Cardiff—March, 1954—Using a public service vehicle as an express carriage other than under the authority of a road service licence. Fined £5, to pay £5 5*s.* 0*d.* costs.

Cardiff—March, 1954—Causing the said vehicle to be so used. Fined £2, to pay £3 3*s.* costs. The first defendant took a party of airmen from a R.A.F. station to the Midlands.

PERSONALIA

HONOUR

Mr. Harold Crookes, who has been town clerk of Aylesbury since 1925, will be honoured with the freedom of the borough. He will be the fourth, and only surviving, freeman of Aylesbury, which received its charter of incorporation in 1916. Mr. Crookes, who was admitted in 1912, had previously served Barnsley as assistant town clerk.

APPOINTMENTS

Mr. C. V. H. Archer has been approved by Her Majesty to be a Puisne Judge in Trinidad and Tobago, where he is at present solicitor-general.

Mr. K. L. Gordon, magistrate, Trinidad, has been approved by Her Majesty to be Puisne Judge, Windward and Leeward Islands.

Mr. James Vernon Bullin, a solicitor of Portsmouth and a resident of St. Helen's, Isle of Wight, has been appointed to succeed Mr. R. E. A. Webster as coroner for the Island.

Mr. F. Barker, clerk to Bray parish council, Berkshire, has been appointed registrar at Maidenhead.

RETIREMENTS

Sir Clifford Radcliffe, C.B.E., D.L., clerk of the county council and clerk of the peace for Middlesex since 1935, is to retire at the end of the year.

Mr. Sidney George Farrant, solicitor of Chipping Norton, has retired from the clerkship to the borough justices, which he has held for 25 years. Mr. Farrant was admitted in 1915.

Mr. T. E. Rudling has retired after twenty years as clerk to the Methwold bench.

OBITUARY

Mr. John Thomas Vaughan, who was admitted in 1895, has died at Merthyr. He was a former president of Merthyr and Brecon Law Society, and a talented musician.

NOTICES

The Recorder of Coventry, Mr. A. P. Marshall, Q.C., has fixed Monday, April 12, 1954, as the date of the next quarter sessions for Coventry. The sessions will be held at the County Hall, and will commence at 11 *a.m.*

The next borough quarter sessions for Guildford will be held at the Guildhall, Guildford, on April 10, 1954, at 11 a.m.

The next quarter sessions for the Isle of Ely will be held at Ely on April 7, 1954.

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

QUASHED CONVICTION

Mr. F. Willey (Sunderland N.) asked the Secretary of State for the Home Department in the Commons whether he would make a statement on the case of *R.* v. *Ashman;* and whether compensation would be paid.

The Secretary of State for the Home Department, replying, said that Frederick Donald Ashman was convicted at the Middlesex Sessions on January 12, 1954, on charges of burglary and larceny and was sentenced to two concurrent terms of nine months' imprisonment. On January 20 he applied to the Court of Criminal Appeal for leave to appeal against his conviction, but on January 22 he abandoned his application.

On January 25 Sir David received a report from the Commissioner of Police of the Metropolis that since Ashman's conviction another man, James Robert Pigdon, had made a statement that he, not Ashman, had committed the offence of burglary of which Ashman had been convicted; and on February 4 Pigdon was convicted of that offence at the Middlesex Sessions. Sir David at once instituted further inquiries. In the meantime he had no power to release Ashman on bail, and in any event, although Pigdon's statement appeared to establish Ashman's innocence of the offence of burglary, Ashman was also liable to be detained in respect of the concurrent term of imprisonment imposed on him for the offence of larceny.

On February 15, Ashman applied to the Court of Criminal Appeal for leave to withdraw the notice of abandonment of his application for leave to appeal: he also applied for bail. Sir David at once took special steps to bring the whole of the material in his possession to the notice of the Court of Criminal Appeal. It would have been quite improper for him to take any further action while the case was still before the court. On March 10, the court granted Ashman leave to appeal against his conviction on both counts and against sentence on the second count. On that date, the court refused his application for bail, but allowed it on March 19. On March 22, the court quashed the conviction on both counts.

With regard to the question of compensation, the two charges against Ashman did not stand on the same footing. The Lord Chief Justice, in his judgment, made it clear that Ashman's innocence had been established on the charge of burglary, but with regard to the charge of larceny he said that the jury would probably not have convicted Ashman if he had been charged only with that offence. It was not the practice to grant compensation, or to make an *ex gratia* payment, in cases where there had been a miscarriage of justice which was corrected by the ordinary processes of law, and where there had been no failure or misconduct on the part of the authorities concerned; and, while he sympathized with Ashman, he could find no grounds on which he should be justified in authorizing any *ex gratia* payment to him.

LEGAL AID AND ADVICE

The Attorney-General, Sir Lionel Heald, replying to Brigadier F. Medlicott (Norfolk C.), said that the cost of bringing into force those parts of the Legal Aid and Advice Act, 1949, not now in operation had been estimated very approximately as between £1,000,000 and £1,250,000 annually. The cost of bringing into force ss. 5 and 7 might be of the order of £500,000 annually.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Friday, March 29

PENSIONS (INCREASE) BILL, read 2a.

Thursday, March 25

SLAUGHTERHOUSE BILL, read 2a.

HOUSE OF COMMONS

Tuesday, March 23

JUDGES REMUNERATION BILL, read 2a.

Friday, March 26

MARRIAGE ACT, 1949 (AMENDMENT) BILL, read 2a.

SOME POINTS OF RATING LAW

Members and officers of county borough and district councils are familiar enough with the routine machinery of the assessment and collection of local rates. Modern cases in the High Court have shown, however, that even as familiar a subject as this may give rise to complicated litigation, and it is the purpose of these notes to endeavour to summarize the general principles of rate collection, and to outline some of the points raised in recent cases. We should make it clear that we are here considering general rates only, not being concerned with water rates, to which different principles apply.

(A) THE GENERAL NATURE OF RATES

A "rate" is strictly speaking, a tax levied by a local authority under the sanction of Parliament on the occupier of a single hereditament, expressed in the form of a certain amount in the £ on the rateable value of the hereditament. The expression is also used in the singular to indicate the amount in the £ which is to be so levied in a particular rating period by the local authority on all the hereditaments liable to be rated within their district. There is no strict statutory definition of the term, and therefore either of the meanings given seem to be equally sound in law. The essential feature of a rate (in the first sense) is that it is the creature of statute, and that, therefore, the general principles of the common law relating to the collection of money lawfully owing to a creditor, apply only in so far as they are, expressly or by necessary implication, applied by statute.

(B) THE MAKING OF A RATE

Section 2 of the Rating and Valuation Act, 1925 (hereinafter referred to as "the Act of 1925"), provides that a general rate must be made and levied in the manner in which the poor rate could be made and levied before the passing of the 1925 Act. There are, therefore, three distinct elements to the formal procedure, each of which must be observed before a rate can be legally collected by the local authority :

(*a*) *Making* : This means the passing of the necessary resolution by the local authority. A copy of the resolution should be sealed by the council in due form, but not necessarily at the council meeting itself, provided due authority is given for the affixing of the seal, either in the resolution itself or otherwise.

(*b*) *Publication* : Once the rate has been made, it must be published by the local authority within seven days, in any one or more of the three methods referred to in s. 6 of the 1925 Act.

(*c*) *Levying* : This expression, which first appears in the origin of local rates, the Poor Relief Act, 1602, means, it is submitted, the service of a demand (or "demand note," as it is commonly called) on the occupiers (or owners, in certain circumstances) of the hereditaments liable to be rated. The demand note must comply in detail with s. 7 of the 1925 Act, and, assuming it is a "document required to be used under or for the purposes of" the 1925 Act (*see* s. 58 (1) thereof), it must also comply in substance with the Rating and Valuation (Form of Demand Note) Rules, 1948 (S.I. 1948, No. 653).

The rate must be made in respect of a definite period, but it is due and payable as soon as it is made, even if the period in respect of which it has been made has not expired : *Thomson* v. *Beckenham Rating Authority* [1947] K.B. 802.

(C) COLLECTION

Collection in the normal case, consists of making proper administrative arrangements for the receipt of moneys paid in response to the demand notes sent by the authority. Where the person liable fails to pay after the first or second reminder, however, the rating authority must consider the legal remedies open to them to recover the rates due.

These remedies are as follows :

(*a*) Application to the local magistrates for a distress warrant. Originating process here is by complaint before at least one justice of the peace, on which a summons is served on the defaulter, but process may not be taken out until at least seven days have expired after the making of a "lawful demand" : Poor Relief Act, 1814, s. 12. The forms are scheduled to the Distress for Rates Act, 1849, and a modernized version of them will be found in *Oke's Magisterial Formulist.*

(*b*) Presentation of a petition for the bankruptcy of the defaulter in the appropriate court having bankruptcy jurisdiction in the district. This procedure was recognized in *re McGreavey* [1950] 1 Ch. 269.

(*c*) In the case of a limited company defaulter, presentation of a petition for the compulsory winding-up of the company : *see re North Bucks Furniture Depositories, Ltd.* [1939] Ch. 690.

A petition for bankruptcy or winding-up may be presented, it appears, whether or not an application has already been made for a distress warrant, although in practice the latter procedure will normally have been followed first. As a rate is a creature of statute, the ordinary common law action to recover money due is not available for the recovery of rates, statute having supplied a specific and adequate remedy : *Liverpool Corporation* v. *Hope* [1938] 1 All E.R. 492. The six months' time limit of s. 104 of the Magistrates' Courts Act, 1952, does not apply to an application for a distress warrant, as the Act is not generally applicable to the recovery of rates (*see* 1952 Act, s. 128 (3)), but, although the proceedings are not an "action," an application is a legal process to which the limitation period of six years provided for in s. 2 (1) (*d*) of the Limitation Act, 1939, applies : *China* v. *Harrow U.D.C.* [1953] 2 All E.R. 1296. This limitation period runs from the making of the rate (and a rate is to be deemed to have been made on the date on which it is approved by the local authority : Act of 1925, s. 4 (1)), and therefore a demand note cannot be lawfully served after the expiry of six years from the making of the rate. In other words, liability to pay a rate runs from the date of making of the rate, not from the date of the demand.

In each of the three types of legal proceedings above mentioned, the local authority will have to prove the making, publishing and levying of the rate ; it will then be for the person charged to establish any defences that may be available to him, for example, that he was not in beneficial occupation of the hereditament in question for any part of the rating period to which the demand refers, etc. If proceedings are taken against the owner in lieu of the occupier, it will be for the rating authority to prove the necessary resolution or compounding agreement under s. 11 (1) or s. 11 (2) of the 1925 Act. Similarly, if the authority are proceeding under s. 15 against a tenant or lodger, due service of the appropriate notice under that section will have to be proved.

On an application for a distress warrant, it seems that the magistrates have little discretion whether or not to issue their warrant, if they are satisfied that the application is in order. In particular, they cannot excuse payment of a rate on the grounds of poverty, although the rating authority themselves may do so (Act of 1925, s. 2 (4)).

(D) DISTRESS FOR RATES

Once a distress warrant has been issued by the magistrates, distress may be levied on the goods of the person liable, for the full sum covered by the warrant, which may include the rates demanded, any arrears of rates due, and costs allowed by the magistrates. The warrant will be addressed to the local authority, and may be executed by a bailiff appointed by them ; in the case of a distress for rates, the bailiff does not have to be certified by the local county court judge (as in the case of a distress for rent : Law of Distress Amendment Act, 1888, s. 7), and it seems that a formal appointment as bailiff is not essential, although this is desirable in practice. The right of distress for rates is much wider, in the goods that may be distrained, than is a right to distrain for rent, and therefore money as well as goods, and the working tools of a defaulter's trade, may be distrained in this case. The goods seized must, however, be the property of the person liable, but the right of distress for rates overrides other priorities, such as those of a landlord for rent, or of another judgment creditor : *Potts* v. *Hickman* [1941] A.C. 212.

If insufficient goods can be found to satisfy the warrant, the rating authority may commence proceedings under s. 10 of the Money Payments (Justices Procedure) Act, 1935 (*not* repealed by the Magistrates' Courts Act, 1952), and ask the justices to commit the defaulter to prison, if they are satisfied that the failure to pay the rates demanded was due to the defaulter's " wilful refusal " or " culpable neglect " ; but even if they are so satisfied, the magistrates still have a discretion whether or not to issue their warrant of committal. In practice, this procedure is but seldom used, as it is not often likely to secure payment. J.F.G.

MUSIC AND MORALS

The learned Recorder of Birmingham is a humane and cultivated man. Lengthy experience in the criminal courts has not dulled his natural compassion at the sight of that most pitiful of spectacles—the man of education and hitherto blameless character in the dock on a serious charge. And he is clearly an upholder of the civilized modern view that punishment should be appropriated to the offender and not merely to the offence.

A man recently convicted before him on seven charges of larceny from his employers had asked for five other similar offences to be taken into consideration. The sentence was twenty months' imprisonment. The following day the Recorder caused the man to be brought again before him, while Counsel for the defence explained that his client was the founder and conductor of well-known amateur orchestra, " a man of art and culture who had spent money out of his own pocket in the cause ". Addressing the prisoner the learned Recorder said (as reported) : " On reflexion I think I sentenced you a little too severely. I did not appreciate fully your interest in music and the arts. I am taking six months off your sentence, reducing it from twenty to fourteen months."

Perhaps the Recorder called to mind the pathetic soliloquy of the deposed King Richard II, fallen from his high estate and a prisoner in the dungeon of Pomfret Castle :

> " How sour sweet music is
> When time is broke and no proportion kept ;
> So is it in the music of men's lives.
> And here have I the daintiness of ear
> To check time broke in a disorder'd string."

Or perhaps he remembered the story of the Athenian prisoners at Syracuse in 413 B.C., survivors of the ill-fated invading army, who won their freedom by reciting passages from Euripides, a poet much admired by their cultivated captors.

The philosopher will find many analogies between music and law. The conception of order, upon which all communal institutions depend, is inherent in both. The lawyer, like the musician, must cultivate a due sense of proportion ; law and harmony alike are based on rules the violation of which leads to dissonance, discord and eventually anarchy. A well-turned legal argument, an aptly-framed clause, a carefully-phrased judgment, have the crystal clarity, the symmetry and logic of a fugal composition. The lawyer, as well as the composer, has his emotions ; but they are to be, by both, subordinated, disciplined and kept in their proper place. Restraint or lack of restraint constitutes the great distinction between the classical and the romantic tradition. Admittedly, classicism carried to excess is uninspired, pedantic and dull ; but to give too free a rein to romanticism leads to far worse things—to sentimentality, affectation and vulgarity. The advocate who allows bombast to outrun argument, the musician who sacrifices formal propriety to showmanship, are helping to debase the standards of their art and, with them, the standards of public and private life. Since rules and restraints are irksome to mediocre men, who tend to be swayed by emotion rather than reason, the process of deterioration is difficult to check. Plato displays a profound political insight when he deals, in the fourth book of *The Republic*, with the dangers that beset the State if all aesthetic inhibitions are cast aside, and shows how a lack of restraint in musical and artistic standards is frequently symptomatic of a restive and lawless attitude towards the social system :

> " The new style gradually insinuates itself into manners and customs ; from these it issues forth in greater strength and intrudes into the relations between man and man ; and thence it goes on relentlessly to attack laws and constitutions, until it ends by overthrowing every institution, both public and private."

It is interesting to observe how close has been the analogy in modern times. Atonal music, " free " verse, surrealist painting, libertine prose-forms, have gone along with gangsterism, brutal violence, gross coarseness and sensationalism. The eighteenth century, the age of Blackstone and the other great masters of the common law, was also the age of reason, of the discoveries of pure science, of the pursuit of knowledge—for its own sake and not for what some business-man or politician could get out of it. It was also an age whose greatest men cultivated the ideals of grace and refinement. Clarity of expression, perfection of form, a strict obedience to the canons of good taste—these were the guiding lights of the acknowledged leaders in literature, painting, architecture and music, whose works remain a refreshing oasis of elegance in the desert of ugliness and vulgarity which lies about us now. Compare the flamboyant houses of the wealthy, today, with the villas of Robert Adam ; a modern office-block with Sir William Chambers' Somerset House ; the pictures of Gainsborough or Watteau with the daubs that appear each summer at Burlington House ; our best modern furniture with that of Chippendale and Hepplewhite. Contrast the polished style of Addison, Steele, Goldsmith and Johnson with the slip-shod vulgarity and prosy posturing of writers in the public eye today ; the formal perfection and sublime serenity of Bach, Handel, Haydn and Mozart with the strained affectation and cheap sentimentality of popular twentieth-century composers. With such examples before them what can one expect to be the reaction of the unlearned masses ? The current fashion of revolt against all authority, and impatience of all restraint, has already led to a cult of ugliness and, with it, a decline in good manners. In spite of seventy years of compulsory education, the general level of taste and culture is shockingly low ; while an alarmingly high proportion of adolescents take pride in a lawless and anti-social attitude. Public life and legislative activity have suffered in the same way ; there are hundreds of professional politicians, but very few statesmen and law-makers. This is, by no means in the best sense, the era of the " common " man.

For these reasons any respect, shown in high places, for music and the arts, rare though it is, is to be welcomed—even if it merely takes the form (as it did in the Birmingham case) of tempering justice with mercy. A.L.P.

THE OLD BAILEY

In all the dramas played there
So many hopes are lost,
The fame that some have made there
Is at some other's cost.

J.P.C.

PRACTICAL POINTS

All questions for consideration should be addressed to " The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Adoption—*Illegitimate child of married woman—Consent to husband of mother.*

The following are the circumstances of an application recently submitted to my court.

Mr. and Mrs. A wish to adopt an infant B, born March, 1953, who has been in their care since May last.

The adoption is being arranged by a Moral Welfare Association.

On the birth certificate submitted, the father's name is given as Mr. C and the mother's as Mrs. C, who are lawfully wedded. Mrs. C has signed the requisite consent form, but Mr. C refuses to sign such, as " the father of the infant " ; he will do so only as " the husband of the mother Mrs. C."

Inquiry of the Association revealed that Mr. C did in fact deny paternity, and it is believed the child was conceived whilst the mother was on a long holiday in Ireland, the putative father being an Irishman known to her since childhood. (He has made no contribution towards its maintenance, however, nor has any application been made for such, this man still being somewhere in Ireland.)

It appears Mrs. C alone gave particulars for registration of the birth, and when the Association learnt of this, they endeavoured to get the registration amended. The matter was referred to the Registrar-General and he directed that Mrs. C should forward a written and signed observation on the circumstances in which she caused the birth to be registered as that of a legitimate child of the marriage, and also stating why she was satisfied her husband was not the child's father. All this was done. However the Registrar-General was not satisfied and refused to amend the birth certificate, saying that to his mind there was no evidence to prove that the child was illegitimate, as Mrs. C had been living with her husband.

Both Mr. and Mrs. C are anxious to have the child adopted, but Mr. C is quite adamant in refusing to sign otherwise than as stated, which of course signifies nothing. The Association feels satisfied the child is in fact illegitimate, and for its future welfare are anxious to arrange an adoption.

In these circumstances could you advise whether the consent of Mr. C or the putative father is essential, or if it is possible to dispense with either or both such consents on any grounds. I am assuming Mrs. C could be called and would give sworn testimony as to the circumstances, which would provide the court with grounds for concluding the child is illegitimate, despite the registration.

Or is this a matter of special circumstances, upon which the court could refuse to entertain the application and advise reference to the High Court? SULCIS.

Answer.

We see no reason why the justices should not deal with this case. Mr. C should be made a respondent because he is presumed to be the father of the infant, and as he wishes to further the adoption he will no doubt be willing to attend the hearing and to give evidence. If he and his wife by their evidence satisfy the court that the child is not his, his consent becomes unnecessary because he is not a parent. The court has the only consent that is required, *viz.*, that of the mother. The alleged father does not come into it, he not being liable under any order or agreement, and not being, in our opinion, a parent within the meaning of s. 2 (4) of the Adoption Act, 1950.

Both Mr. and Mrs. C may give evidence of non-access, Matrimonial Causes Act, 1950, s. 32.

2.—Criminal Law—*Larceny—Electricity—Abstraction after passing into private premises.*

A landlord of a block of self-contained flats has provided each flat with its own meter for the supply of electricity. The staircase lighting is run from a separate meter and charged to the landlord. A tenant of one flat having had his electricity supply discontinued ran a wire from the staircase light into his flat to supply him with electric light. The Electricity Board have expressed themselves unable to prosecute, since the consumption of current has been registered on the landlord's meter and the Board has suffered no loss. Since the meter records only the consumption of current passing through it, which up to that point is the property of the Electricity Board, there seems to be nothing in which the landlord has any property which would enable him to prosecute under s. 10 of the Larceny Act, 1916. The landlord wishes to charge the tenant. Can you express an opinion on an appropriate charge. E. LUX.

Answer.

Section 10 of the Larceny Act, 1916, makes it an offence to abstract (or cause to be diverted) any electricity. The section says nothing about the property in the electricity and (although it could apparently be held that in this case the current was the landlord's property, after the undertakers had delivered in into his meter), there seems to be nothing to preclude the landlord's prosecuting.

3.—Highway—*Obligatory lights on vehicles—Whether land has become a road.*

A defendant was charged before this court today for leaving a motor lorry on the road without obligatory lights at 7.40 *p.m.* at night contrary to ss. 1 and 10 of the Road Transport Lighting Act, 1927. The defendant pleaded not guilty to the charge and maintained that the land upon which the vehicle was parked was private land and not part of the highway. There was no evidence given that this land was privately owned and the magistrates decided to adjourn the case so that further evidence can be given on this point.

It appears that the land on which the vehicle was parked is surrounded by stones which appear to form the foundation of a building which was on this plot of land about twenty or thirty years ago and I think the enclosed plan which is a copy of the plan produced by the police at the hearing will assist you to understand the position. The dotted lines on the plan indicate stones which are more or less level with the roadway but as mentioned above appear to be the remains of the foundation of a former building on the land.

On looking up the Road Transport Lighting Act, 1927, I observe that " road " is defined as " any public highway and any other road to which the public have access." Evidence was given by the police that the public had access to this plot of land and now use it as part of the highway and in fact vehicles were often parked on this plot of land.

It is noted that in *Thomas* v. *Dando* [1951] 1 All E.R. 1010 ; 115 J.P. 344, it was held that an unpaved forecourt to a shop and unfenced from the pavement and habitually crossed by customers was not held to be a " road."

I have seen this plot of land and although it is covered with stones it does not seem to have been tar macadamed as part of the highway.

I shall be grateful for your advice and guidance on the following points :

1. What factors should the court consider in deciding whether this land on which the vehicle was parked is part of the highway or not?

2. If this land should be proved to be private property it appears that anyone using it without the consent of the owner is a trespasser. The defendant in evidence today said that he had obtained the consent of the owner to park his motor lorry on this land. Would evidence that this land is privately owned and that the defendant obtained the consent of the owner of the land to park his vehicle thereon be sufficient to satisfy the justices that the land is not part of the highway and that therefore the charge must fail? JICOIGN.

Answer.

1. We think the court should consider the matter on the lines indicated by the judgments in *Thomas* v. *Dando*, *supra*, and *Bugge* v. *Taylor* (1941) 104 J.P. 467. The relevant considerations seem to be the ownership of the land, the period of time during which it has been in its present condition, the extent of the public user of it during that time and whether the owner has done anything to prevent such user.

2. We think such evidence would certainly be highly relevant but it would have to be weighed against evidence on the other matters indicated in 1. If an owner for a considerable time allows the public to use his piece of land as if it were part of the highway and does nothing to prevent such user this is a matter the court would certainly take into account.

4.—Landlord and Tenant—*Agricultural holdings—Increase of rent.*

My corporation are the owners of several farms and are desirous of raising the rents thereof from February 2, 1954. Is it necessary that a notice to quit be served upon all tenants terminating their tenancies (accompanied by a letter informing the tenants that they may continue the tenancy upon the former conditions at the increased rent) or may the desired result be obtained by merely serving a notice on the tenants to the effect that as from February 2, 1954, the rent payable will be £X per annum? I am aware, of course, of the right of the tenant to have the proposed increase referred to arbitration. BUCOLINC.

Answer.

Whatever the contract, one party cannot by a simple notice alter its terms, so long as it continues. In order to change the rent payable under a contract of tenancy, the contract must therefore be terminated, either by effluxion of time or by notice to quit : *Kerr* v. *Bryde* (1923) 87 J.P. 16. This rule is by-passed as regards houses affected by the Rent

Restrictions Acts, by s. 1 of the Rent Restrictions (Notice of Increase) Act, 1923, and as regards agricultural holdings by s. 8 of the Agricultural Holdings Act, 1948. The only way seems to be the way provided by this section.

5.—Larceny—*Charge relating to quantities of different articles alleged to have been stolen from employer over long period of time—Objection by defending solicitor that charge bad for duplicity—Validity of objection—Legality of conviction in respect of part of property comprised in charge.*

A prisoner appeared before the justices charged with the larceny of large numbers of different articles specified in the charge " between January 1, 1951 and November 24, 1953 ". He consented to summary trial and pleaded not guilty. The prosecuting solicitor opened that after hearing the evidence the justices might feel satisfied that some of the articles charged had been stolen on some days, other articles on other days, and it might be they would not be satisfied as to the theft of some of the articles at all and invited the justices to convict the prisoner accordingly; thereupon the defending solicitor submitted that the charge was bad for duplicity and stated that he had knowledge of a case where quarter sessions had held a similar charge to have been bad for duplicity. He was told he might renew his objection after the evidence had been called.

I shall be glad to have your valued opinion, (*a*) as to the validity of the submission of the defending solicitor as outlined above and (*b*) assuming that the justices find that certain of the charged articles were stolen by the prisoner on a certain date and that other articles were stolen on another date and that the remainder of the charged articles were not stolen at all, how should the conviction be drawn? T.C.J.B.

Answer.

We think the objection was valid. Before giving the defendant the option of summary trial, the court must cause the charge to be written down, if this has not already been done, and read to the accused, Magistrates' Courts Act, 1952, s. 19. This must mean that specific charges to which the defendant can be called upon to plead, and of which he could be convicted, must be preferred. It is not enough to hear evidence of a general loss of property and then to decide to convict or acquit on various charges which may emerge. The prosecution could very well select certain goods which must apparently have been stolen on different dates, possibly single articles, and prefer a seperate charge in each case of stealing on a date unknown between certain specified dates. It is not for the court, in proceedings which have become summary, to sort out the evidence and determine what charges are appropriate. A conviction following upon that kind of inquiry would in our opinion be wrong. If upon a definite charge of stealing certain articles the prosecution proves that certain articles only were stolen there may, we think, be a conviction in respect of those articles.

6.—Rating and Valuation—*Shooting let for twelve months—Occupation.*

A sporting tenant rents a right to shoot game and rabbits (subject of course to the concurrent right of the tenant farmer to take rabbits under the Ground Game Act) on a tenancy which commenced on July 31 and rates are demanded from August 1 in the same year. The shooting tenant contends that as the right to take game ends on January 31 he should not be liable for rates for the period from March 31 (the end of the rate year) to July 31 (the end of his tenancy) during which he can have no beneficial occupation (apart from the right to take rabbits). It is agreed that generally shooting agreements are made annually from September 1 to January 31 (the period of a game season) and that the point in question is not likely to arise, since the whole of the beneficial occupation is in a complete rating year, but in this case the tenancy did not end until July 31. Would you be good enough to give your opinion as to whether a rate can be recovered for a period from April 1 to July 31 when the agreement ends. AMREY.

Answer

Yes, in our opinion. The legal impossibility of killing other than ground game, during part of the year, is an element in determining the value for purposes of rating. Even out of season the keeper has much to do, where shooting is properly attended to, and, so far as his rights extend under the letting to him, the owner or lessee of shooting rights is in exclusive occupation throughout the year.

7.—Waterway—*Access — Obstruction by owners of pontoon — Prescription.*

Towards the end of last century a pontoon to serve a steamship service for embarkation of passengers and freight (and now cars) was placed on tidal waters to which the public had established a right of access. The pontoon moves up and down on the tide being secured by dolphins and connected to the shore by a hinged bridge. The bridge forms a continuation of a highway not repairable by the inhabitants at large, previously giving access to the water's edge referred to above, and now giving access to the pontoon over which in turn the public had unrestricted use over its entire length to deep water at its front edge. Steps were cut in the face of the pontoon which formed a public landing place, the width of the part set aside for the public being about seventeen feet. The pontoon has now been replaced and the new one has railings set across what was formerly the public side at a distance of approximately fifteen feet from the front edge. The public is therefore restricted to the side edge only where steps have been provided. As this side edge dries out at low tide it is not so convenient for a public landing as the front edge which gives access at all states of the tide to deep water. It would appear that the company had to preserve the rights of the public to access to the water and in constructing the old pontoon they defined these rights, or some agreement must have been come to between bodies concerned as to what they should be. In any case it seems that these rights, which were clearly demarked by fencing, would now be acquired by prescription.

Would you please advise—

(1) Can rights by prescription be obtained over—

(*a*) a mobile object— in this case one which moves vertically with the tide, and

(*b*) a waterborne object?

(2) If rights over the pontoon have been obtained by prescription only can these rights be abrogated or detrimentally altered by a change in the construction of the moveable platform which provides the means for the rights? CAMPAQ.

Answer.

We should expect to find a special Act or Acts authorizing this pontoon, since it is an obstruction of navigation over the foreshore and of the normal access to and from the sea, and so is *prima facie* an indictable and actionable nuisance, despite its being useful to the public: *R.* v. *Ward* (1836) 4 Ad. & El. 384.

The special Acts may give some rights to the public on and over the pontoon. Subject to this, we think its use by members of the public cannot be otherwise than at the discretion of its owners. The answer to your specific questions is in our opinion that no public right of way can be prescribed for over a mobile object, which the owner can move at his pleasure.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. *(contd.)*

THE INSTITUTE FOR THE STUDY AND TREATMENT OF DELINQUENCY is holding a Summer School on "The Changing Attitude of Society Towards Criminal Responsibility" at St. Hugh's College, Oxford, from September 18-25, 1954. Full programme of lectures, discussion groups, visits, film shows, etc. Particulars from Asst. General Secretary, I.S.T.D., 8, Bourdon St., Davies St., W.1.

The National Association of Discharged Prisoners' Aid Societies (Incorporated)

Patron: H.M. THE QUEEN

FUNDS AND LEGACIES URGENTLY NEEDED

It must be right to help one wishing to make good after a prison sentence

Registered Office:
St. Leonard's House, 66, Eccleston Square, Westminster, S.W.1. Tel.: Victoria 9717/9

THE
DOGS' HOME Battersea

INCORPORATING THE TEMPORARY HOME FOR LOST & STARVING DOGS

4, BATTERSEA PARK ROAD
LONDON, S.W.8,
AND
FAIRFIELD ROAD, BOW, E.
(Temporarily closed)

OBJECTS:

1. To provide food and shelter for the lost, deserted, and starving dogs in the Metropolitan and City Police Area.
2. To restore lost dogs to their rightful owners.
3. To find suitable homes for unclaimed dogs at nominal charges.
4. To destroy, by a merciful and painless method, dogs that are diseased and valueless.

Out-Patients' Department (Dogs and Cats only) at Battersea, Tuesdays and Thursdays - 3 p.m.

Since the foundation of the Home in 1886 over 2,000,000 stray dogs have received food and shelter.

Contributions will be thankfully received by E. L. HEALEY TUTT, *Secretary.*

NORTHAMPTONSHIRE MAGISTRATES' COURTS COMMITTEE

Northampton and Daventry Petty Sessional Divisions

APPLICATIONS are invited for the appointment of an experienced whole-time Assistant to the Magistrates' Clerk at a salary scale of £550×£15—£595 per annum. The appointment will be superannuable and subject to medical examination.

Applications, stating age, qualifications and experience, with the names and addresses of two referees, should be sent to the undersigned not later than April 22, 1954.

J. ALAN TURNER,
Clerk of the Committee.

County Hall,
Northampton.

FIRE!
WHERE'S RELIABLE
NU-SWIFT?

Old-fashioned fire extinguishers fail every day. Make sure you've Nu-Swift—and plenty of them! It's the choice of 14 Navies.

NU-SWIFT LTD · ELLAND · YORKS

In Every Ship of the Royal Navy

REMINDERS ON DRAFTING A LEASE

by ESSEX

Reprinted from the J.P. *of July 19, 1952*

The object of the Tables is to enable a Draftsman to dictate the complete draft lease without any pauses in the shortest possible time.

Two Tables have been drawn up. The first lists all common form clauses and the second all formal parts of a lease.

Printed in folder form, ready for immediate office use.

Price **1s.** *each, Postage free*
Six copies **5s.** *Twelve copies* **9s.**

JUSTICE OF THE PEACE LTD.
LITTLE LONDON
CHICHESTER, SUSSEX

Established 1836. Telephone: Holborn 0273.

GENERAL REVERSIONARY AND INVESTMENT CO.

ASSETS EXCEED £4,000,000
Reversions and Life Interests Purchased.
Loans Granted thereon.
Apply to the ACTUARY, 59, CAREY STREET, W.C.2

NOTES ON JUVENILE COURT LAW

by A. C. L. MORRISON, C.B.E.

SECOND EDITION

Prices: **2s. 6d.** per copy, postage and packing **3d.** In bulk (postage and packing free), 10 copies for **£1 1s.**; 25 copies for **£2 6s.**, and 50 copies for **£4.**

from

JUSTICE OF THE PEACE LTD.
LITTLE LONDON, CHICHESTER

LOCAL AUTHORITIES' BYELAWS

By A. S. WISDOM, Solicitor

This booklet is a summary of byelaw-making powers possessed by local authorities.

Concise and comprehensive. Compiled in convenient form for ready reference.

Price 4s. Postage and packing 6d.

JUSTICE OF THE PEACE LTD.
LITTLE LONDON
CHICHESTER, SUSSEX

REGISTER OF LAND AND ESTATE AGENTS, AUCTIONEERS, VALUERS, AND SURVEYORS

CHESHIRE

CHESTER—HARPER, WEBB & CO., Chartered Surveyors. Rating Specialists, 35 White Friars, Chester. Tel. 20685.

CORNWALL

FALMOUTH.—ROWE & KNOWLES, Strand, Falmouth. Tel.: 189 and 1308.

DEVON

AXMINSTER—ARNOLD L. BALDOCK, B.Sc., A.R.I.C.S., Chartered Surveyor, Valuer, Land Agent, Shute, Axminster. Tel. 2388.

EXETER—RIPPON, BOSWELL & CO., F.A.I., 8 Queen Street, Exeter. Est. 1884. Tels. 3204 and 3592.

ESSEX

ILFORD AND ALL ESSEX.—RANDALLS, Chartered Surveyors, Auctioneers, Valuers, 1 Medway Parade, Cranbrook Rd., Ilford. Est. 1884. Tel. ILFord 2201 (3 lines).

GLOUCESTERSHIRE

CIRENCESTER AND COTSWOLDS.—HOBBS & CHAMBERS, F.R.I.C.S., F.A.I., Market Place, Cirencester. (Tel. 62/63) and Faringdon, Berks.

HERTFORDSHIRE

BARNET & DISTRICT.—WHITE, SON & PILL, 13/15 High Street. Tel. 0086, and at New Barnet.

KENT

BECKENHAM—BROMLEY.—SUTCLIFFE, SON & PARTNERS, Estate Agents and Surveyors, The Old Cottage. Estate office, opp. Shortlands Station, Kent. Tel. RAV. 7201/6157. Also at 20 London Road, Bromley. RAV. 0185/7.

LANCASHIRE

BLACKBURN & EAST LANCASHIRE.—SALISBURY & HAMER (Est. 1828). Mills and Works Valuers, Auctioneers and Estate Agents, 50 Ainsworth Street, Blackburn. Tel. 5051 and 5567.

MANCHESTER.—EDWARD RUSHTON, SON & KENYON, 12 York Street. Est. 1855. Tel. CENtral 1937. Telegrams Russoken.

LEICESTERSHIRE

LEICESTER, LEICESTERSHIRE & MIDLANDS.—MONTAGUE TURNOR, F.A.L.P.A., F.V.I., Auctioneer, Estate Agent, Surveyor and Valuer, 27, Belvoir Street, Leicester. (Tel. 65244-5).

LONDON AND SUBURBS

GER. 5851 * **SHAWS** BRI. 7866 *

(E.A.L.) LTD.

" ESTATE OFFICES," 76-80 SHAFTESBURY AVE., W.1. *and at* 151 DULWICH ROAD, S.E.24

J. H. W. SHAW, P.P.C.I.A., F.A.L.P.A., F.V.I.

ANSCOMBE & RINGLAND, Surveyors, Chartered Estate Agents, 8 Wellington Road, N.W.8. Tel. PRI. 7116.

DRIVERS, JONAS & CO., Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, London, S.W.1. WHitehall 3911. Also at Southampton.

FAREBROTHER, ELLIS & CO., 29 Fleet Street, E.C.4.

H. C. WILSON & CO., 51 Maida Vale, W.9. Est. 1853. Tel. Cunn. 6111 (4 lines).

MIDDLESEX

POTTERS BAR & DISTRICT.—WHITE, SON & PILL, 58 High Street. Tel. 3888.

NOTTINGHAMSHIRE

NOTTINGHAM.—KINGSTON & PARTNERS, Surveyors, Valuers, Town Planning Consultants and Industrial and Rating Valuers, 14 Chaucer Street. Tel. 45290.

RETFORD.—HENRY SPENCER & SONS, Auctioneers and Valuers, 20 The Square, Retford, Notts. Tel. 531/2. 9 Norfolk Row, Sheffield. Tel. 25206. 91 Bridge Street, Worksop. Tel. 2654.

SURREY

CAMBERLEY (HANTS & BERKS BORDERS).—SADLER & BAKER, Chartered Auctioneers and Estate Agents, 31 High Street. Est. 1880. Tel. 1619.

ESHER.—W. J. BELL & SON, Chartered Surveyors, Auctioneers and Estate Agents, 51 High Street, Esher. Tel. 12.

GUILDFORD.—CHAS. OSENTON & CO., High Street. Tel. 62927/8

SURBITON.—E. W. WALLAKER & CO., F.A.L.P.A., Surveyors, Auctioneers, Valuers and Estate Agents, 57 Victoria Road, Surbiton. Tel. ELMbridge 5381/3.

SUSSEX

BOGNOR REGIS, CHICHESTER, SELSEY & DISTRICT.—CLIFFORD E. RALFS, F.A.L.P.A., Auctioneer, Estate Agent, Surveyor, Knighton Chambers, Aldwick Road, Bognor Regis. (Tel.: 1750).

BRIGHTON & HOVE—H.D.S. STILES & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 101 Western Road, Brighton 1. Tel. Hove 35281 (3 lines). And at London.

Printed in Great Britain by R. J. Acford Ltd., Industrial Estate, Chichester, Sussex, and published each Saturday by the Proprietors, Justice of the Peace Ltd., at the Office of the "Justice of the Peace and Local Government Review," Little London, Chichester, Sussex. Registered at the G.P.O. as a newspaper. Saturday, April 3, 1954. Price 2*s.* 3*d.* with Reports, post free 2*s.* 5*d.*; without Reports 1*s.* 3*d.*, post free 1*s.* 5*d.* Subscription rates: £6 per annum with Reports; £3 10*s.* per annum without Reports.